



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

REGULAR MEETING OF THE MIDLAND CITY COUNCIL  
City Hall, 333 W. Ellsworth Street

December 8, 2014

7:00 p.m.

AGENDA

CALL TO ORDER - [Maureen Donker, Mayor](#)

PLEDGE OF ALLEGIANCE TO THE FLAG

Boy Scout Troop #760

ROLL CALL - Thomas W. Adams  
Steve Arnosky  
Diane Brown Wilhelm  
Maureen Donker  
Marty A. Wazbinski

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated". If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. [\\* Approve minutes of the November 24 regular and December 1 special City Council meetings. TISDALE](#)

PROCLAMATIONS, AWARDS, RECOGNITIONS, PRESENTATIONS:

2. [Billy Casper Golf presentation on the 2014 golf season at Currie Municipal Golf Course. KEENAN](#)

PUBLIC HEARINGS:

3. [Special Assessment Roll for the 2014 Commerce Drive Water Main Improvement Special Assessment District \(also see material sent in the November 24 agenda packet\). DUFORD](#)

4. [Special Assessment Roll for the 2014 Commerce Drive Sanitary Sewer Improvement Special Assessment District \(also see material sent in the November 24 agenda packet\). DUFORD](#)

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. (Please sign up with City Clerk before meeting). This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

#### ORDINANCE AMENDMENTS:

5. [Second reading and adoption of an ordinance adding Article XIV of Section 21-175 of Chapter 21 - Dial-A-Ride Fees. MURPHY](#)

#### RESOLUTIONS:

6. [\\* Reappointing Carl Coons to the Saginaw-Midland Municipal Water Supply Corporation Board of Trustees. BUSH](#)
7. [Receiving and filing the 2014 Construction Progress Report. MCMANUS](#)
8. [\\* Receiving the Petitioned Projects report. MCMANUS](#)

Considering purchases and contracts:

9. [\\* Winter Blend Diesel Fuel purchase from November 18 \(4/5 vote required\). MURPHY](#)
10. [\\* Change Order from Three Rivers Corporation for Window Replacement project. BARNARD](#)
11. [\\* Hook-Lift System and Chip Box Body. MURPHY](#)

Setting a public hearing:

#### NEW BUSINESS:

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#### TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	<a href="http://www.cityofmidlandmi.gov">www.cityofmidlandmi.gov</a>
City of Midland email address:	<a href="mailto:cityhall@midland-mi.org">cityhall@midland-mi.org</a>
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

Attached documents for item Maureen Donker, Mayor

Attached documents for item Boy Scout Troop #760

Attached documents for item \* Approve minutes of the November 24 regular and December 1 special City Council meetings. TISDALE

## UNAPPROVED

November 24, 2014

A regular meeting of the City Council was held on Monday, November 24, 2014, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker

Councilmen absent: Marty Wazbinski

### MINUTES

Approval of the minutes of the November 10, 2014 regular meeting was offered by Councilman Adams and seconded by Councilman Arnosky. (Motion ADOPTED.)

### 2014 FIRE FIGHTER OF THE YEAR

Fire Chief Chris Coughlin introduced Fire Lieutenant John Day. The following resolution was offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

RESOLVED, that Midland Fire Department Fire Lieutenant John Day is hereby recognized for being selected by the Midland Exchange Club as their 2014 Carl and Esther Gerstacker Fire Fighter of the Year recipient. (Motion ADOPTED.) Mayor Donker presented John Day with the resolution.

### 2014 POLICE OFFICER OF THE YEAR

Police Chief Cliff Block introduced Patrol Lieutenant Steven London. The following resolution was offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

RESOLVED, that Midland Police Department Patrol Lieutenant Steven London is hereby recognized for being selected by the Midland Exchange Club as the 2014 Carl and Esther Gerstacker Police Officer of the Year recipient. (Motion ADOPTED.) Mayor Donker presented Steven London with the resolution.

### eCITIES AWARD

Midland Tomorrow CEO Scott Walker made a presentation on Midland's eCities Award.

### 2014-15 CENTER CITY AUTHORITY BUDGET AMENDMENT

Community Affairs Director Selina Tisdale presented information on the 2014-15 Center City Authority budget to recognize \$150,000 of revenue from the Entrance Ways Initiative Fund at the Midland Area Community Foundation for the Center City Façade Improvement Program. A public hearing opened at 7:45 p.m., recognizing no public comments, the hearing closed at 7:45 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, in accordance with Sections 5.11, 11.4 and 11.6 of the Charter of the City of Midland, and after having given proper legal notice, and having conducted a public hearing on Monday, November 24, 2014 on the proposal to amend the FY 2014-15 Center City Authority budget to recognize \$150,000 in unanticipated revenue from the Midland Area Community Foundation to be used to fund the Center City Authority Façade Improvement Program; now therefore

RESOLVED, that the FY 2014-15 Center City Authority budget is hereby amended to increase revenues and expenditures by \$150,000 to recognize unanticipated revenue from the Midland

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Area Community Foundation to be used to fund the Center City Authority Façade Improvement Program. (Motion ADOPTED.)

**2014 COMMERCE DRIVE WATER MAIN SPECIAL ASSESSMENT DISTRICT**

Utilities Director Noel Bush presented information on the 2014 Commerce Drive Water Main and Sanitary Sewer Improvement Special Assessment Districts. City Engineer Brian McManus explained the projects. The public hearing of necessity opened at 8:15 p.m. Mark Wall, of Linwood, representing Cobblestone Homes, spoke in favor of the installation of sewer and water for the project area. Jackie Light, city resident, expressed concern with the building of property north of the city versus investment in fixing up already-established areas of the city. The public hearing closed at 8:17 p.m. The following resolution was then offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

WHEREAS, the City Council has given due notice of its intention to install water mains on Commerce Drive from Jefferson Road to 1,650 feet West and on Commerce Drive from 575 feet east of Elisenal Drive to the Quarter Section Line and north along the Quarter Section Line 345 feet to the Section Line in the City of Midland, said improvement being more particularly described in a resolution dated November 10, 2014, and has heretofore established one special assessment district designated:

"2014 Commerce Drive Water Main Improvement Special Assessment District"

in conjunction with said improvement and has heretofore given due notice it would meet on Monday, November 24, 2014, for the purpose of hearing and considering any objections or suggestions on the necessity of the proposed improvement; and

WHEREAS, the City Council has met pursuant to said notice on said day at the time specified in said notice and has heard and considered all objections and suggestions to the proposed improvement; now therefore

RESOLVED, that the Council finds and determines that the installation of water mains on Commerce Drive are necessary public improvements, conducive to the public health and general welfare of the people of the City of Midland, and that the Council proceed forthwith to make said improvement in accordance with the report of the City Manager, and the assessment district heretofore adopted for the same; and

RESOLVED FURTHER, that the detailed estimate of cost of said improvement is hereby approved in the amount of Two Hundred Four Thousand Seven Hundred Thirty-Two dollars and Zero cents (\$204,732.00) and the proportion of the cost and expense to be borne and paid by the City at large shall be One Hundred Forty-Six Thousand Six Hundred Thirty-Six dollars and Twenty cents (\$146,636.20) and that all other costs and expenses of said improvement amounting to Fifty Eight Thousand Ninety-Five dollars and Eighty cents (\$58,095.80) shall be borne and paid by special assessment on all lands and premises in said 2014 Commerce Drive Water Main Improvement Special Assessment District heretofore established and approved; and

RESOLVED FURTHER, that the City Assessor of said City be and hereby is directed to prepare and report to the City Council a special assessment roll for the:

"2014 Commerce Drive Water Main Improvement Special Assessment District"

as heretofore established by the Council, and to assess and levy upon the several lots and premises in said district said sums of money in proportion to the estimated benefits resulting thereto from said improvement, computed as near as practicable on a front foot basis. (Motion ADOPTED.)

**2014 COMMERCE DRIVE SANITARY SEWER SPECIAL ASSESSMENT DISTRICT**

The public hearing of necessity opened at 8:17 p.m., recognizing no public comments, the hearing closed at 8:17 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Amosky:

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WHEREAS, the City Council has given due notice of its intention to install sanitary sewers across a part of the northwest ¼ of Section 33, crossing Commerce Drive, and across a part of the southeast ¼ of Section 28, said improvement being more particularly described in a resolution dated November 10, 2014, and has heretofore established one special assessment district designated:

"2014 Commerce Drive Sanitary Sewer Improvement Special Assessment District"

in conjunction with said improvement and has heretofore given due notice it would meet on Monday, November 24, 2014, for the purpose of hearing and considering any objections or suggestions on the necessity of the proposed improvement; and

WHEREAS, the City Council has met pursuant to said notice on said day at the time specified in said notice and has heard and considered all objections and suggestions to the proposed improvement; now therefore

RESOLVED, that the Council finds and determines that the installation of sanitary sewers along the northwest ¼ of Section 33, crossing Commerce Drive, and across a part of the southeast ¼ of Section 28 are necessary public improvements, conducive to the public health and general welfare of the people of the City of Midland, and that the Council proceed forthwith to make said improvement in accordance with the report of the City Manager, and the assessment district heretofore adopted for the same; and

RESOLVED FURTHER, that the detailed estimate of cost of said improvement is hereby approved in the amount of Three Hundred Five Thousand dollars (\$305,000.00) and the proportion of the cost and expense to be borne and paid by the City at large shall be Two Hundred Fifty Eight Thousand Eight Hundred Fifty dollars and Twenty-Five cents (\$258,850.25) and that all other costs and expenses of said improvement amounting to Forty Six Thousand One Hundred Forty-Nine dollars and Seventy-Five cents (\$46,149.75) shall be borne and paid by special assessment on all lands and premises in said 2014 Commerce Drive Sanitary Sewer Improvement Special Assessment District heretofore established and approved; and

RESOLVED FURTHER, that the City Assessor of said City be and hereby is directed to prepare and report to the City Council a special assessment roll for the:

"2014 Commerce Drive Sanitary Sewer Improvement Special Assessment District"

as heretofore established by the Council, and to assess and levy upon the several lots and premises in said district said sums of money in proportion to the estimated benefits resulting thereto from said improvement, computed as near as practicable on a front foot basis. (Motion ADOPTED.)

**PUBLIC COMMENTS**

No public comments were made.

**DIAL-A-RIDE FEES ORDINANCE (1<sup>st</sup> reading)**

Public Services Director Karen Murphy presented information on an ordinance to add Article XIV of Section 21-175 of Chapter 21 – Dial-A-Ride Fees. Regina Guzior, 206 Graham Street, spoke regarding Dial-A-Ride's no-show policy. Introduction and first reading of the following ordinance was then offered by Councilman Adams and seconded by Councilman Brown Wilhelm:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY CREATING ARTICLE XIV, SECTION 21-175 OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Article XIV, Section 21-175 of Chapter 21 is hereby created as follows:

ARTICLE XIV

DIAL-A-RIDE RATES AND FEES

Sec. 21-175. Dial-A-Ride rates and fees.

Fees for services provided by the City of Midland Dial-A-Ride transportation system shall be:

(1) Fares:



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- |    |   |           |
|----|---|-----------|
| a. | Regular, one way                                      | \$2.00    |
| b. | Senior citizen and persons with a disability, one way | \$0.75    |
| c. | Child (age 5-11) with an adult or sibling, one way    | \$1.00    |
| d. | First child (under age 5) with a parent, one way      | No charge |
| e. | Second child (under age 5) with a parent, one way     | \$1.00    |
| f. | Regular fare ticket book, ten (10) one way tickets    | \$18.00   |
| g. | Reduced fare ticket book, ten (10) one way tickets    | \$6.75    |
- (2) No-show penalties:
- |    |  |         |
|----|--|---------|
| a. | Regular, each way                                      | \$2.00  |
| b. | Senior citizen and persons with a disability, each way | \$0.75  |
| c. | Child (age 5-11) with an adult or sibling, each way    | \$1.00  |
| d. | Second child (under age 5), each way                   | \$1.00  |
| e. | Third no-show in a thirty (30) day period              | \$16.00 |

Section 2. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

### **DIAL-A-RIDE NO-SHOW AND STANDING ORDER RIDE POLICIES**

Public Services Director Karen Murphy presented information on proposed Dial-A-Ride policies for no-shows and standing order rides. Regina Guzior, 206 Graham Street, spoke again regarding the no-show policy. Teri Cady, Disability Network, spoke regarding the positive communication between caregivers and the Dial-A-Ride staff. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, Dial-A-Ride staff have identified missed rides due to passengers not showing up to meet the bus and passengers who do not honor their standing order rides as inefficiencies in the operation of Dial-A-Ride that interfere with other passengers being able to get rides at desired times; and

WHEREAS, Dial-A-Ride supervision proposed new policies to address these issues that include accountability measures for passengers who do not honor their scheduled rides; and

WHEREAS, the Dial-A-Ride Advisory Commission unanimously voted at their March 27, 2014 meeting to recommend that City Council support the proposed policies; now therefore

RESOLVED, that the City Council supports the implementation of the proposed policies brought forth by Dial-A-Ride supervision to address no-shows and cancellations of standing order rides. (Motion ADOPTED.)

### **QUARTERLY FINANCIAL REPORT – SEPTEMBER 30, 2014**

Assistant City Manager for Financial Services David Keenan presented the city's quarterly financial report for the quarter ending September 30, 2014. The following resolution was then offered by Councilman Arnosky and seconded by Councilman Brown Wilhelm:

RESOLVED, that the quarterly financial information of the City of Midland, for the quarter ended September 30, 2014, is hereby acknowledged as being received by the Midland City Council on this date, and is ordered placed on file for public examination. (Motion ADOPTED.)

### **GENERAL OBLIGATION UNLIMITED TAX REFUNDING BONDS, SERIES 2005**

Assistant City Manager for Financial Services David Keenan presented information on the plan to refund the General Obligation Unlimited Tax Refunding Bonds, Series 2005. The following resolution was then offered by Councilman Amosky and seconded by Councilman Brown Wilhelm:

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City of Midland  
Counties of Midland and Bay  
State of Michigan

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF  
UNLIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015

A RESOLUTION TO APPROVE:

- Net Present Value Savings through issuing Bonds to refund the General Obligation Unlimited Tax Refunding Bonds, Series 2005;
- City to continue levy of sufficient taxes to pay bonds as authorized by the electors on February 22, 2000;
- Escrow Fund to provide for payment of the prior bonds being refunded;
- Appointment of Public Financial Management, Inc. as Financial Consultant;
- Sale of Bonds by Negotiated Sale or Private Placement;
- Assistant City Manager for Financial Services to sell bonds without further Council action;
- Other matters necessary to sell and deliver the bonds.

WHEREAS, the City of Midland, Counties of Midland and Bay, State of Michigan (the "City") has previously issued its General Obligation Unlimited Tax Refunding Bonds, Series 2005, dated September 13, 2005 in the original aggregate principal amount of \$9,480,000 (the "Prior Bonds"), for the purpose of advance refunding the General Obligation Unlimited Tax Bonds, Series 2001 previously issued pursuant to voter approval at an election held on February 22, 2000 to acquire and construct improvements, additions and extensions to the City's Sanitary Sewer System; and

WHEREAS, the City's financial consultant, Public Financial Management, Inc. (the "Financial Consultant"), has advised the City that it may be able to accomplish a net savings of debt service costs by current refunding all or a portion of the outstanding Prior Bonds through the issuance of refunding bonds; and

WHEREAS, the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34") permits the City to issue refunding bonds for the purpose of refunding all or part of the funded indebtedness of the City if the refunding would result in net present value savings; and

WHEREAS, City Council determines that if the City is able to accomplish a net savings of debt service costs, then it is in the best interest of the City to refund all or a portion of the outstanding Prior Bonds; and

WHEREAS, Act 34 permits the City to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer to sell and deliver and receive payment for obligations; and

WHEREAS, the City Council wishes to authorize the Assistant City Manager for Financial Services (the "Authorized Officer") to sell and deliver and receive payment for the proposed issue of refunding bonds without the necessity of the City Council taking further action prior to sale and delivery of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. If, upon the advice of the Financial Consultant, refunding all or a portion of the Prior Bonds would accomplish net present value savings to the City as described in section 16 of this Resolution, then bonds of the City designated as the UNLIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015 (the "Bonds") shall be issued in the aggregate principal amount of not-to-exceed Six Million Three Hundred Thousand (\$6,300,000) for the purpose of refunding all or a portion of the Prior Bonds including payment of legal, financial and other expenses incident thereto.

The Bonds shall consist of bonds in fully-registered form of the denomination of \$5,000 or integral multiples of \$5,000 not exceeding for each maturity the maximum principal amount of such maturity, dated as of the date of delivery thereof or such other date as may be determined

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by the Authorized Officer at the time of sale of the Bonds, and numbered as determined by the Transfer Agent (as hereinafter defined). The Bonds shall mature as serial bonds or term bonds on the dates and in the amounts as shall be determined by the Authorized Officer at the time of sale of the Bonds.

The Authorized Officer is hereby authorized to appoint a bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds. The Authorized Officer is hereby authorized to execute one or more agreements with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent at any time, provided written notice of such replacement is given to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

The Bonds may be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the Authorized Officer is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form, and to make such changes in the form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

The Bonds shall bear interest at a rate or rates to be determined by the Authorized Officer at the time of sale of the Bonds subject to the provisions and limitations of this Resolution, payable semi-annually on May 1st and November 1st of each year beginning on the first interest payment date determined at the time of sale of the Bonds, by check or draft drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The record date of determination of the registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Bonds shall be payable at the corporate trust office of the Transfer Agent upon presentation and surrender of the appropriate bond. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC, payment shall be made in the manner prescribed by DTC.

The Bonds shall be subject to mandatory or optional redemption prior to maturity at the times and prices determined by the Authorized Officer at the time of sale. In the event that any of the Bonds shall be issued as term bonds, the mandatory redemption requirements for such term bonds shall be specified at the time of sale. Unless waived by any registered owner of bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City and shall conform to the requirements set forth in the Bond. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the redemption date; the redemption price or premium; the place where bonds called for redemption are to be surrendered for payment; and that interest on bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date. In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the

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payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

2. The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, and the corporate seal of the City shall be manually impressed or a facsimile thereof shall be printed on the Bonds. No Bond authorized under this Resolution shall be valid until authenticated by an authorized representative of the Transfer Agent unless the purchaser of the Bonds does not require the Bonds to be authenticated. If the Bonds are not authenticated, then at least one signature on the Bonds shall be a manual signature. If Bonds are not issued in book-entry form then executed blank bonds for registration and issuance to transferees may simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser in accordance with instructions from the Authorized Officer or his designee upon payment of the purchase price for the Bonds.

3. The Bonds shall be in substantially the following form with such revisions, additions and deletions as may be advisable or necessary to conform with the final terms of the Bonds established upon sale thereof:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTIES OF MIDLAND AND BAY  
CITY OF MIDLAND  
UNLIMITED TAX GENERAL OBLIGATION REFUNDING BOND, SERIES 2015

<u>Interest Rate</u>	<u>Date of Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount:

The CITY OF MIDLAND, Counties of Midland and Bay, State of Michigan (the "City"), acknowledges itself to owe and for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on [first interest payment date] and semiannually thereafter. Principal of this bond is payable upon presentation and surrender hereof at the principal corporate trust office of [transfer agent], Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner of record not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable by check or draft mailed by the Transfer Agent to the person or entity who or which is as of the fifteenth (15th) day of the month prior to each interest payment date, the registered owner of record, at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of [principal] issued under and in pursuance of the provisions of Act 34, Public Acts of Michigan, 2001, as amended, and a resolution of the City Council adopted on [date], for the purpose of refunding bonds previously issued by the City.

This bond and the interest hereon are payable out of the City's Debt Retirement Fund for this issue. The City is obligated to levy annually ad valorem taxes on all taxable property within the boundaries of the City in an amount sufficient to provide for the payment of principal of and interest on this bond as the same become due, without limitation as to either rate or amount.

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Bonds of this issue maturing on or prior to [date] are not subject to redemption prior to maturity.

Bonds or portions of bonds in multiples of \$5,000 of this issue maturing on or after [date] shall be subject to redemption prior to maturity without a premium, at the option of the City, in such order as the City shall determine and within any maturity by lot, on any date on or after [date], at par plus accrued interest to the date fixed for redemption.

## [MANDATORY REDEMPTION]

[The bonds of this issue maturing [date] and [date] (the "Term Bonds") are subject to mandatory sinking fund redemption by lot prior to maturity on [date], in the years and amounts set forth below, at a price equal to 100% of the principal amount to be redeemed, plus accrued interest to the date of redemption.]

### [Term Bonds due [date]]

#### Redemption Dates

[date]  
[date]  
[date] (maturity)

#### Principal Amounts

[amount]  
[amount]  
[amount]

### Term Bonds due [date]

#### Redemption Dates

[date]  
[date]  
[date] (maturity)

#### Principal Amounts

[amount]  
[amount]  
[amount]

[The principal amount of Term Bonds to be redeemed on the dates set forth above shall be reduced, in the order determined by the City, by the principal amount of Term Bonds of the same maturity which have been previously redeemed (other than as a result of a previous mandatory redemption requirement), or purchased or acquired by the City and delivered to the Transfer Agent for cancellation; provided, that each such Term Bond has not previously been applied as a credit against any mandatory redemption obligation.]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent upon presentation of the bond called in part for redemption shall register, authenticate and deliver to the registered owner a new bond of the same maturity and in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to each registered owner of bonds or portions thereof to be redeemed by mailing such notice not less than thirty (30) days prior to the date fixed for redemption to the registered owner at the address of the registered owner as shown on the registration books of the City. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.

Any bond may be transferred by the person in whose name it is registered, in person or by the registered owner's duly authorized attorney or legal representative, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever the bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond in the principal amount equal to the unredeemed portion of the bond. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before

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the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.

It is hereby certified and recited that all acts, conditions and things required to be done, exist and happen, precedent to and in the issuance of this bond and the series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of the City, including this bond and the series of bonds of which this is one, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City, by its City Council, has caused this bond to be signed in the name of the City by [the facsimile signatures of] its Mayor and Clerk, and a facsimile of its corporate seal to be [manually impressed/printed] hereon, all as of the Date of Original Issue.

CITY OF MIDLAND

By \_\_\_\_\_  
Mayor

(Seal)

Countersigned:

By \_\_\_\_\_  
City Clerk

[INSERT STANDARD FORM OF CERTIFICATE OF AUTHENTICATION]

[INSERT STANDARD FORM OF ASSIGNMENT]

4. The Authorized Officer shall designate a bank or trust company to serve as escrow trustee (the "Escrow Trustee"). In order to secure payment of the Prior Bonds being refunded, the City will enter into an Escrow Agreement (the "Escrow Agreement") with the Escrow Trustee which shall provide for the creation of an escrow fund for deposit of proceeds of the Bonds and other monies to provide for the payment of the principal of and interest on the Prior Bonds being refunded (the "Escrow Fund"). The Escrow Agreement shall irrevocably direct the Escrow Trustee to hold the Escrow Fund in trust for the payment of the principal of and interest on the Prior Bonds being refunded, and to take all necessary steps to call for redemption of any Prior Bonds specified by the Authorized Officer upon sale of the Bonds, including publication and mailing of redemption notices, on any date specified by the City on which the Prior Bonds may be called for redemption. The Authorized Officer is hereby authorized to execute and deliver the Escrow Agreement and to purchase, or cause to be purchased, escrow securities, including, but not limited to, United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund.

The Authorized Officer is hereby authorized to transfer monies from the debt retirement fund for the Prior Bonds to the Escrow Fund to be invested as provided in the Escrow Agreement and to be used to pay principal and interest on the Prior Bonds being refunded. The amount to be transferred under this section shall be an amount which will enable the interest on the Bonds and the Prior Bonds to be, or continue to be, excluded from gross income for federal income tax purposes as determined by bond counsel.

5. The City Treasurer is authorized and directed to open a separate depository or trust account with a bank or trust company to be designated as the CITY OF MIDLAND – UNLIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015 DEBT RETIREMENT FUND (the "Debt Retirement Fund"). All proceeds from taxes levied for the Debt Retirement Fund shall be deposited into the Debt Retirement Fund as collected. Commencing

with the year 2015, there shall continue to be levied upon the tax rolls of the City for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other funds available or surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund. The moneys to be deposited into the Debt Retirement Fund will be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds. Accrued interest and premium received upon delivery of the Bonds shall also be deposited in the Debt Retirement Fund as provided below.

In the event cash, or direct obligations of the United States, or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34, Public Acts of Michigan, 2001, as amended, or other state law.

6. Upon receipt of the proceeds of sale of the Bonds, the accrued interest and premium, if any, shall be deposited in the Debt Retirement Fund and used to pay interest on the Bonds on the first interest payment date, provided, however, that at the discretion of the Authorized Officer, all or a portion of any premium received upon delivery of the Bonds may be deposited in the Escrow Fund.

There next shall be deposited to the Escrow Fund from Bond proceeds an amount which, together with other monies deposited to the Escrow Fund by the City and investment proceeds to be received thereon, will be sufficient, without reinvestment, to pay the principal of and interest on the Prior Bonds being refunded at maturity or prior redemption.

The remaining proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds. At the option of the Authorized Officer, the costs of the issuance may be paid from a fund established for that purpose in the Escrow Agreement. Any monies remaining after payment of costs of issuance and costs of refunding the Prior Bonds shall be transferred to the Debt Retirement Fund.

7. The City shall not invest, reinvest or accumulate any moneys deemed to be proceeds of the Bonds or the Prior Bonds pursuant to the Internal Revenue Code of 1986, as amended in such a manner as to cause the Bonds to be "arbitrage bonds" within the meaning of the Internal Revenue Code. The City hereby covenants that, to the extent permitted by law, it will take all actions within its control and that it shall not fail to take any action as may be necessary to maintain the exclusion of interest on the Bonds from gross income for federal income tax purposes, including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds, all as more fully set forth in the Non-Arbitrage and Tax Compliance Certificate to be delivered by the City on the date of delivery of the Bonds.

8. If the Authorized Officer determines that the City will not issue tax-exempt obligations in the aggregate amount of \$10,000,000 or more in the calendar year in which the Bonds are issued, then the City hereby designates the Bonds as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to

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the Internal Revenue Code. This designation shall be confirmed by execution of the Non-Arbitrage and Tax Compliance Certificate or other certificate delivered by the City at the time of delivery of the Bonds.

9. Public Financial Management, Inc. is hereby appointed as Financial Consultant to the City to assist in preparation and planning for the sale of the Bonds.

10. Based on the advice of the Financial Consultant, the City Council hereby determines to sell the Bonds at a negotiated sale instead of a competitive sale for the reason that a negotiated sale will permit the City to sell the Bonds on short notice at a point in time which appears to be most advantageous and thereby possibly obtain a lower rate of interest on the Bonds and the most favorable price for purchase of securities to be escrowed for payment of the Prior Bonds to be refunded.

11. The City hereby requests that Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") continue to serve as the City's bond counsel with respect to the Bonds. The City Council acknowledges that Miller Canfield represents many municipal bond underwriters, banks, and financial institutions in connection with matters unrelated to issuance of the Bonds by the City, and that some of these underwriters, banks, and financial institutions are potential purchasers or underwriters of the Bonds.

12. The Authorized Officer is authorized to approve circulation of a sales memorandum, offering circular, official statement or other document describing the City, the Bonds and security for payment of the Bonds. The Authorized Officer is authorized to execute the sales memorandum, offering circular, official statement or other documents authorized under this section and deliver it to the purchaser of the Bonds. The Authorized Officer is authorized to execute and deliver a written continuing disclosure undertaking if required in order to enable the purchaser of the Bonds to comply with the requirements of SEC Rule 15c2-12.

13. The Authorized Officer is hereby authorized to apply for bond ratings for the Bonds from such municipal bond rating agencies as deemed appropriate, in consultation with the Financial Consultant. If the Financial Consultant recommends that the City sell the Bonds without obtaining a rating, then the Authorized Officer is authorized to request any necessary waivers or approvals from the State of Michigan Department of Treasury. If the Financial Consultant recommends that the City consider purchase of municipal bond insurance, then the Authorized Officer is hereby authorized and directed to negotiate with insurers regarding acquisition of municipal bond insurance, and, in consultation with the Authorized Officer and the Underwriter, to select an insurer and determine which Bonds, if any, shall be insured.

14. If the Financial Consultant recommends that the City sell the Bonds through public offering with an underwriter, then the Authorized Officer is authorized to select a senior managing underwriter for the Bonds in consultation with the Financial Consultant, and to name additional co-managers and/or to develop a selling group. By adoption of this Resolution the City assumes no obligations or liability to the underwriter for any loss or damage that may result to the Underwriter from the adoption of this Resolution, and all costs and expenses incurred by the underwriter in preparing for sale of the Bonds shall be paid from the proceeds of the Bonds, if the Bonds are issued, except as may be otherwise provided in the bond purchase agreement to be signed by the City at the time of sale of the Bonds.

In the alternative, the Authorized Officer is authorized in consultation with the Financial Consultant to negotiate directly with financial institutions or underwriters or circulate a request for bids to purchase the Bonds.

15. The Authorized Officer is hereby authorized, on behalf of the City, subject to the provisions and limitations of this Resolution, to negotiate sale of the Bonds to a financial institution or underwriter, and to accept an offer to purchase the Bonds based upon the recommendations and advice of the Financial Consultant without further Resolution of this City Council. This authorization includes, but is not limited to, determination of original principal amount of the Bonds; the prices at which the Bonds are sold; the date of the Bonds; the schedule of principal maturities and whether the Bonds shall mature serially or as term bonds;



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the provisions for early redemption including mandatory redemption of term bonds, if any; the interest rates and payment dates of the Bonds, selection of the portion of the Prior Bonds to be refunded, transfer of balances, if any, from the debt retirement fund for the Prior Bonds to the Escrow Fund; and purchase of securities for the Escrow Fund. The Authorized Officer is authorized to sign a bond purchase agreement, certificate of award of sale, acknowledgement of offer to purchase the Bonds, or other document agreeing to sell the Bonds on behalf of the City.

16. The Bonds shall not be sold unless the issuance of the Bonds and the refunding of Prior Bonds produce net present value savings to the City of at least 3.00% after payment of costs of issuance. The true interest cost of the Bonds shall not exceed 2.75%. The date of the final maturity of the Bonds shall not be later than 2021. In making such determinations the Authorized Officer is authorized to rely upon data provided by the Financial Consultant.

17. The Authorized Officer is hereby authorized to select an independent certified public accountant to serve as verification agent to verify that the securities and cash to be deposited to the Escrow Fund will be sufficient to provide, at the times and in the amounts required, sufficient moneys to pay the principal of and interest on the Prior Bonds being refunded as they become due.

18. In the event that the Authorized Officer is not available to undertake responsibilities delegated to him under this Resolution, then the City Manager or an officer of the City designated by the City Manager or the Authorized Officer is authorized to take such actions. The officers, administrators, agents and attorneys of the City are authorized and directed to take all other actions necessary and convenient to facilitate issuance and sale of the Bonds and expenditure of Bond proceeds, and to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Bonds and expenditure of Bond proceeds in accordance with this Resolution, including appropriation and transfer of Bond proceeds as appropriate, and payment of costs necessary to accomplish sale and delivery of the Bonds including but not limited to financial consultant fees, transfer agent fees, escrow trustee fees, verification agent fees, bond counsel fees, state treasury filing fees, and any other costs necessary to accomplish sale and delivery of the Bonds.

19. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded. (Motion ADOPTED.)

**2014 ANNUAL FINANCIAL STATEMENTS & AUDITORS' REPORT - SMMWSC**

The following resolution was offered by Councilman Adams and seconded by Councilman Arnosky:

RESOLVED, that the Saginaw-Midland Municipal Water Supply Corporation Annual Financial Statements and Auditors' Report dated June 30, 2014, with comparative figures for June 30, 2013, be received and filed in the office of the City Clerk. (Motion ADOPTED.)

**UNLEADED AND DIESEL FUEL PURCHASE**

The following resolution was offered by Councilman Adams and seconded by Councilman Arnosky:

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the Purchasing Agent to purchase full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and  
WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and  
WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

UNAPPROVED

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 11,995 gallons of E10 ethanol blend unleaded fuel and 12,497 gallons of Winter Blend diesel fuel from Foster Oil of Richmond, Michigan for \$73,040.93 executed by the Purchasing Agent on November 3, 2014, is hereby approved. (Motion ADOPTED.)

**EASTMAN AVENUE RECONSTRUCTION – MDOT COST SHARING AGREEMENT**

The following resolution was offered by Councilman Adams and seconded by Councilman Amosky:

WHEREAS, the Michigan Department of Transportation (MDOT) desires to improve Eastman Avenue and certain sections of Indian and Buttricks in 2015 by reconstructing the roadways; and WHEREAS, the City of Midland has water and sewer utilities within the limits of the greater road construction project; and

WHEREAS, Contract 14-5537, prepared by MDOT and reviewed by the City Attorney as to content, specifies a cost sharing agreement to be used for the project; and

WHEREAS, the City of Midland is responsible for a cost share of 50% of the sanitary sewer costs, an amount equal to \$215,000; and

WHEREAS, the City of Midland is responsible for a cost share of 100% of the water costs, an amount equal to \$417,000; and

WHEREAS, the funding for the City shares are available in the Water and Sanitary Sewer funds; now therefore

RESOLVED, that City Council authorizes the Mayor and City Clerk to sign and execute the project cost share agreement with MDOT related to said improvements once the City Attorney has approved final form of the contract. (Motion ADOPTED.)

**L3 MOBILE-VISION CAMERA UPGRADE – POLICE DEPT**

The following resolution was offered by Councilman Adams and seconded by Councilman Amosky:

WHEREAS, through a joint effort in 2009, the Midland Police Department and the Midland County Sheriff Office acquired an in-car video system from L3 Communications Mobile-Vision Inc.; and

WHEREAS, this project was funded through the Homeland Security Grant Program; and

WHEREAS, the digital video recorders (DVR) and wireless microphones for this system have reached their end of life expectancy; and

WHEREAS, upgrading the current L3 system is the most cost efficient solution by not having to purchase other related equipment such as cameras, cables and mounting hardware; and

WHEREAS, sufficient funding for the purchase of 22 new DVR Flashback 3 units with corresponding wireless microphones and charging stations is available in the FY 2014-15 Patrol Operating Supplies Account; and

WHEREAS, funding has again been approved for this purchase through the Homeland Security Grant Program; and

WHEREAS, the City of Midland will be fully reimbursed for this expense; and

WHEREAS, the Midland Police Department and the Midland County Sheriff Department have historically collaborated on law enforcement related projects and expenses; now therefore

RESOLVED, that the Purchasing Agent is authorized to issue a purchase order to L3 Communications Mobile-Vision Inc. in the amount of \$55,439.80 for the purchase of 22 new DVR Flashback 3 units with wireless microphones and charging stations. (Motion ADOPTED.)

### **INFRASTRUCTURE AGREEMENT – COMMERCE DRIVE AREA**

Utilities Director Noel Bush presented the Infrastructure Agreement with Larkin Pines, LLC for the Commerce Drive area water and sewer improvements. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Amosky:

WHEREAS, the proposal to construct the Clearpointe Landing residential development on a parcel located at 204 Commerce Drive requires extending public water and sanitary sewer to the development property; and

WHEREAS, the water and sanitary sewer improvements are not part of the capital project priorities approved in the 2014/15 Water or Wastewater Enterprise Funds; and

WHEREAS, funding to construct the utilities infrastructure will come from an Advanced Financing of Improvements, whereby the developer, Larkin Pines, LLC, will deposit funding to the City in the amount of the total estimated costs associated with constructing the required public improvements; and

WHEREAS, an Infrastructure Agreement with the developer is necessary to provide the parameters for the construction of the needed public utilities, and to outline the reimbursement provisions; now therefore

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the Infrastructure Agreement with Larkin Pines, LLC, subject to document approval by the City Attorney, to provide the parameters for the construction of needed public utilities for the Clearpointe Landing residential development, and to outline the reimbursement of costs provisions. (Motion ADOPTED.)

### **PROPOSED WATER AND WASTEWATER ENTERPRISE FUND BUDGET AMENDMENT**

The following resolution was offered by Councilman Adams and seconded by Councilman Amosky:

RESOLVED, that in accord with Section 11.6 of the Charter of the City of Midland, a public hearing shall be conducted at 7:00 p.m. on Monday, December 15, 2014, in the Council Chambers of City Hall on the proposal to:

- a. Increase revenues in the Water Enterprise Fund from developer's deposit in an amount not to exceed \$260,000, and to increase appropriations in an amount not to exceed \$260,000, to bring public water service to the Clearpointe Landing residential development located at 204 Commerce Drive.
- b. Increase revenues in the Wastewater Enterprise Fund from developer's deposit in an amount not to exceed \$360,000, and to increase appropriations in an amount not to exceed \$360,000, to bring public sanitary sewer service to the Clearpointe Landing residential development located at 204 Commerce Drive.

(Motion ADOPTED.)

### **2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSMT ROLL**

The following resolution was offered by Councilman Adams and seconded by Councilman Amosky:

WHEREAS, pursuant to the direction of the City Council, the City Assessor of said City of Midland has prepared and reported to the City Council the Assessment Roll covering and containing the proposed Special Assessments assessed and levied, respectively in the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as heretofore established for the proposed Water Main Improvement in said district, as designated in Resolutions heretofore adopted by the City Council; now therefore

UNAPPROVED

RESOLVED, that the said Roll be accepted by the City Council and that it be filed in the office of the City Clerk for public examination, and that the City Clerk be and is hereby directed to give notice pursuant to the Ordinance that the Assessment Roll has been made and filed in the office of the City Clerk for public examination and that the City Council of the City of Midland will meet at the Council Chambers in the City Hall in said City at 7:00 o'clock p.m., on the eighth day of December, 2014, to review said Special Assessment Roll at which time and place, opportunity will be given to all persons interested to be heard; and

RESOLVED FURTHER, that the City Clerk give notice of said hearing by causing a copy of this Resolution to be published once in the Midland Daily News at least ten days prior to the date of the eighth day of December, 2014, and that the City Clerk also give notice of said hearing by letter to each property owner subject to Special Assessment by reason of said improvement, the addresses of said property owners to be taken from the latest Tax Assessment Roll in the City Assessor's Office in accordance with Act 162 of the Public Acts of Michigan of 1962. (Motion ADOPTED.)

**2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSMT ROLL**

The following resolution was offered by Councilman Adams and seconded by Councilman Amosky:

WHEREAS, pursuant to the direction of the City Council, the City Assessor of said City of Midland has prepared and reported to the City Council the Assessment Roll covering and containing the proposed Special Assessments assessed and levied, respectively in the "2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as heretofore established for the proposed Sanitary Sewer Improvement in said district, as designated in Resolutions heretofore adopted by the City Council; now therefore

RESOLVED, that the said Roll be accepted by the City Council and that it be filed in the office of the City Clerk for public examination, and that the City Clerk be and is hereby directed to give notice pursuant to the Ordinance that the Assessment Roll has been made and filed in the office of the City Clerk for public examination and that the City Council of the City of Midland will meet at the Council Chambers in the City Hall in said City at 7:00 o'clock p.m., on the eighth day of December, 2014, to review said Special Assessment Roll at which time and place, opportunity will be given to all persons interested to be heard; and

RESOLVED FURTHER, that the City Clerk give notice of said hearing by causing a copy of this Resolution to be published once in the Midland Daily News at least ten days prior to the date of the eighth day of December, 2014, and that the City Clerk also give notice of said hearing by letter to each property owner subject to Special Assessment by reason of said improvement, the addresses of said property owners to be taken from the latest Tax Assessment Roll in the City Assessor's Office in accordance with Act 162 of the Public Acts of Michigan of 1962. (Motion ADOPTED.)

Being no further business the meeting adjourned at 9:35 p.m.

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Selina Tisdale, City Clerk

December 1, 2014

A special meeting of the City Council was held Monday, December 1, 2014, at 7:00 p.m. in the Council Chambers in City Hall. Mayor Donker presided.

Councilmen present: Thomas Adams, Steven Amosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

**COFFEE WITH COUNCIL**

Held discussion with the Citizen Engagement Focus Groups called Coffee with Council.

Being no further business the meeting adjourned at 8:00 p.m.

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Jon Lynch, Deputy City Clerk

Attached documents for item Billy Casper Golf presentation on the 2014 golf season at Currie Municipal Golf Course. KEENAN

**SUMMARY REPORT TO MANAGER**  
For City Council Meeting of December 8, 2014

**SUBJECT:** Billy Casper Golf review of the Currie Golf Course 2014 Season

**INITIATED BY:** David A. Keenan, Asst City Mgr for Financial Services

**RESOLUTION SUMMARY:**

No Resolution

**ITEMS ATTACHED:**

Letter of transmittal

**CITY COUNCIL ACTION:**

No action by Council required

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David A. Keenan  
Assistant City Manager for Financial Services



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

TO: Jon Lynch, City Manager

FM: David A. Keenan, Assistant City Manager for Financial Services

DT: December 3, 2014

RE: Currie Golf Course 2014 Season in review

Representatives from Billy Casper Golf will make a presentation to City Council providing an overview of the 2014 golf season at Currie Municipal Golf Course. The company representatives making the presentation will be Nicholas Bednar, Regional Director of Operations, and Paul Milholland, Director of Golf Operations for Currie Municipal Golf Course.



Attached documents for item Special Assessment Roll for the 2014 Commerce Drive Water Main Improvement Special Assessment District (also see material sent in the November 24 agenda packet). DUFORD

**SUMMARY REPORT TO MANAGER**  
**for City Council Meeting of December 8, 2014**

**SUBJECT:** Hold a public hearing on the special assessment roll for the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as prepared by the City Assessor.

**INITIATED BY:** As directed by City Council resolution dated November 24, 2014.

**RESOLUTION SUMMARY:** This resolution approves the special assessment roll for the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as prepared by the City Assessor.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Communications (if any)

**CITY COUNCIL ACTION:**

Adopt resolution by 3/5 vote.

Reid Duford  
City Assessor

December 3, 2014



*City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax*

December 3, 2014

Mr. Jon Lynch  
City Manager  
Midland, MI 48640

Dear Mr. Lynch:

On November 24, 2014 the City Council accepted a special assessment roll and set the date of December 8, 2014 for a public hearing on the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT". The public improvement district is described as:

A 400.0 FT STRIP OF LAND BEG AT SE COR OF SEC 28, T15N R2E; TH W 1,650.0 FT, ALG S SEC LN OF SEC 28; AND A 400.0 FT STRIP OF LAND BEG AT N ¼ COR OF SEC 33, T15N R2E; TH S 367.0 FT ALG N-S ¼ L OF SEC 33; TH W 400.0 FT ALG C/L OF COMMERCE DR, SEC 33

Property owners have been notified of the special assessment amount and the date of the public hearing.

The attached resolution approves the special assessment roll as previously submitted.

Sincerely,

Reid Duford  
City Assessor



*City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax*

BY COUNCILMAN

WHEREAS, pursuant to due notice to all interested parties the City Council has duly met and reviewed the proposed Special Assessments to be assessed and levied in the Special Assessment Roll, prepared by the City Assessor to provide such part of the cost of certain water main improvements on the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT", as heretofore established, as should be paid upon the property therein especially benefited and has heard and considered all objections made to said Assessment and has made such corrections in said roll as in its judgment ought to be made, and the City Assessor being present at said hearing; now therefore

RESOLVED, that the City Council does hereby determine that it is satisfied with said Special Assessment Roll; and

RESOLVED FURTHER, that the City Council does hereby determine that said assessments are in proportion to benefits received; and

RESOLVED FURTHER, that said Special Assessment Roll be and the same is hereby approved and confirmed in all respects, in the amount of \$58,095.86 and that the total estimated cost of said improvements is \$204,732.06, and the City at large cost is \$146,636.20; and

RESOLVED FURTHER, that the amount of said roll shall be divided into five (5) annual installments with interest, one of which is to be collected during the year of 2015, and one during each succeeding year for four (4) years thereafter provided, however, that pursuant to Chapter 20 of the Code of Ordinances, each taxpayer shall have the opportunity of paying said assessment in full without interest or penalty within thirty (30) days from the date of notification to pay the same; and

RESOLVED FURTHER, that the said roll shall be filed in the Office of the City Clerk, and the Clerk is hereby directed to endorse on said roll the date of confirmation, and that said Clerk is hereby directed to attach the warrant to a certified copy within ten days, therein commanding the City Assessor to spread the various sums and amounts appearing therein on a Special Assessment Roll or upon the General Tax Roll of the City for the full amount or in annual installments as directed by the Council; and

RESOLVED FURTHER, that the City Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed, that said property owner shall have thirty (30) days from the date of such notification to pay said assessment in full and without interest or penalty, and that payments made thereafter shall be divided into five (5) equal annual installments bearing the interest rate of 1.25 percent; and

RESOLVED FURTHER, that upon the expiration of said thirty (30) day period the roll shall be closed for collection by the City Treasurer and forwarded to the City Assessor for spreading said roll on all unpaid assessments on the basis of five (5) annual installments with interest.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

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Selina Tisdale, City Clerk

11-24-14  
Accepted Roll  
Set H for  
12-8-14

(18)

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of November 24, 2014

**SUBJECT:** Accept the special assessment roll for the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as prepared by the City Assessor and set a public hearing on the special assessment roll for December 8, 2014.

**INITIATED BY:** As directed by City Council resolution dated November 24, 2014.

**RESOLUTION SUMMARY:** This resolution accepts the special assessment roll for the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as prepared by the City Assessor and sets a public hearing on the special assessment roll for December 8, 2014.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Special Assessment Roll

**CITY COUNCIL ACTION:**

1. Set a public hearing on the special assessment roll for December 8, 2014.
2. Adopt resolution by 3/5 vote.

Reid Duford  
City Assessor

November 19, 2014

# Midland

City Assessor • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3334 • 989.835.5701 Fax

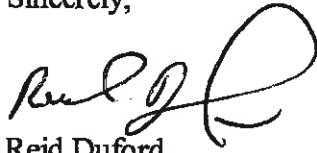
November 19, 2014

Mr. Jon Lynch  
City Manager  
Midland, MI 48640

Dear Mr. Lynch:

On November 24, 2014, the City Council will hold a public hearing of necessity for the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT". Assuming the City Council will approve the resolution that finds necessity and directs the City Assessor to prepare the special assessment roll, I have prepared the attached special assessment roll. Also attached is a resolution that will set the date of December 8, 2014 for the public hearing on the roll.

Sincerely,



Reid Duford  
City Assessor



# Midland

City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax

## BY COUNCILMAN

WHEREAS, pursuant to the direction of the City Council, the City Assessor of said City of Midland has prepared and reported to the City Council the Assessment Roll covering and containing the proposed Special Assessments assessed and levied, respectively in the "2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as heretofore established for the proposed Water Main Improvement in said district, as designated in Resolutions heretofore adopted by the City Council; now therefore

RESOLVED, that the said Roll be accepted by the City Council and that it be filed in the office of the City Clerk for public examination, and that the City Clerk be and is hereby directed to give notice pursuant to the Ordinance that the Assessment Roll has been made and filed in the office of the City Clerk for public examination and that the City Council of the City of Midland will meet at the Council Chambers in the City Hall in said City at 7:00 o'clock p.m., on the eighth day of December, 2014, to review said Special Assessment Roll at which time and place, opportunity will be given to all persons interested to be heard; and

RESOLVED FURTHER, that the City Clerk give notice of said hearing by causing a copy of this Resolution to be published once in the Midland Daily News at least ten days prior to the date of the eighth day of December, 2014, and that the City Clerk also give notice of said hearing by letter to each property owner subject to Special Assessment by reason of said improvement, the addresses of said property owners to be taken from the latest Tax Assessment Roll in the City Assessor's Office in accordance with Act 162 of the Public Acts of Michigan of 1962.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, November 24, 2014.

---

Selina Tisdale, City Clerk



## City of Midland

2014 COMMERCE DRIVE WATER MAIN IMPROVEMENT  
SPECIAL ASSESSMENT DISTRICT ROLL

Water Main District:

Date 11-19-2014

A 400.0 FT STRIP OF LAND BEG AT SE COR OF SEC 28, T15N R2E; TH W  
1,650.0 FT, ALG S SEC LN OF SEC 28; AND A 400.0 FT STRIP OF LAND BEG  
AT N ¼ COR OF SEC 33, T15N R2E; TH S 367.0 FT ALG N-S ¼ L OF SEC 33;  
TH W 400.0 FT ALG C/L OF COMMERCE DR, SEC 33

		Frontage	Assessment Amount
--	--	----------	----------------------

BARTOS, JOHN N &amp; SANDRA

11-28-40-400

1,204.66'

\$45,692.75

2095 N JEFFERSON RD  
MIDLAND MI 48642

204 COMMERCE DR

S ½ OF S ½ OF S ¼, SEC 28, EXC E 462.5 FT OF S 234 FT, T15N-R2E

F/A PNACEK LTD

11-33-10-400

327.00'

\$12,403.11

2525 N EASTMAN RD  
MIDLAND MI 48642-7871

800 COMMERCE DR

N ½ OF NE ¼ OF SEC 33, LYING N OF COMMERCE DR AND EXC THE W 40 FT, SEC 33, T15N-R2E

PROGRAM TOTAL

1,531.66'

\$58,095.86

Attached documents for item Special Assessment Roll for the 2014 Commerce Drive Sanitary Sewer Improvement Special Assessment District (also see material sent in the November 24 agenda packet). DUFORD

**SUMMARY REPORT TO MANAGER**  
**for City Council Meeting of December 8, 2014**

**SUBJECT:** Hold a public hearing on the special assessment roll for the "2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as prepared by the City Assessor.

**INITIATED BY:** As directed by City Council resolution dated November 24, 2014.

**RESOLUTION SUMMARY:** This resolution approves the special assessment roll for the "2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as prepared by the City Assessor.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Communications (if any)

**CITY COUNCIL ACTION:**

Adopt resolution by 3/5 vote.

Reid Duford  
City Assessor

December 3, 2014



*City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax*

December 3, 2014

Mr. Jon Lynch  
City Manager  
Midland, MI 48640

Dear Mr. Lynch:

On November 24, 2014 the City Council accepted a special assessment roll and set the date of December 8, 2014 for a public hearing on the "2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT". The public improvement district is described as:

A 400.0 FT STRIP OF LAND BEG AT N ¼ COR OF SEC 33, T15N R2E; TH S 1,899.9 FT, ALG N-S ¼ SEC LN, SEC 33; AND A 400.0 FT STRIP OF LAND BEG AT S ¼ COR OF SEC 28, T15N R2E; TH N 658.9 FT, ALG N-S 1/4 SEC LN, SEC 28

Property owners have been notified of the special assessment amount and the date of the public hearing.

The attached resolution approves the special assessment roll as previously submitted.

Sincerely,

Reid Duford  
City Assessor



*City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax*

## BY COUNCILMAN

WHEREAS, pursuant to due notice to all interested parties the City Council has duly met and reviewed the proposed Special Assessments to be assessed and levied in the Special Assessment Roll, prepared by the City Assessor to provide such part of the cost of certain sanitary sewer improvements on the "2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT", as heretofore established, as should be paid upon the property therein especially benefited and has heard and considered all objections made to said Assessment and has made such corrections in said roll as in its judgment ought to be made, and the City Assessor being present at said hearing; now therefore

RESOLVED, that the City Council does hereby determine that it is satisfied with said Special Assessment Roll; and

RESOLVED FURTHER, that the City Council does hereby determine that said assessments are in proportion to benefits received; and

RESOLVED FURTHER, that said Special Assessment Roll be and the same is hereby approved and confirmed in all respects, in the amount of \$46,161.99 and that the total estimated cost of said improvements is \$305,000.00, and the City at large cost is \$258,838.01; and

RESOLVED FURTHER, that the amount of said roll shall be divided into five (5) annual installments with interest, one of which is to be collected during the year of 2015, and one during each succeeding year for four (4) years thereafter provided, however, that pursuant to Chapter 20 of the Code of Ordinances, each taxpayer shall have the opportunity of paying said assessment in full without interest or penalty within thirty (30) days from the date of notification to pay the same; and

RESOLVED FURTHER, that the said roll shall be filed in the Office of the City Clerk, and the Clerk is hereby directed to endorse on said roll the date of confirmation, and that said Clerk is hereby directed to attach the warrant to a certified copy within ten days, therein commanding the City Assessor to spread the various sums and amounts appearing therein on a Special Assessment Roll or upon the General Tax Roll of the City for the full amount or in annual installments as directed by the Council; and

RESOLVED FURTHER, that the City Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed, that said

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property owner shall have thirty (30) days from the date of such notification to pay said assessment in full and without interest or penalty, and that payments made thereafter shall be divided into five (5) equal annual installments bearing the interest rate of 1.25 percent; and

RESOLVED FURTHER, that upon the expiration of said thirty (30) day period the roll shall be closed for collection by the City Treasurer and forwarded to the City Assessor for spreading said roll on all unpaid assessments on the basis of five (5) annual installments with interest.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a     yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

---

Selina Tisdale, City Clerk

11-24-14  
Accepted Roll  
Set PH for  
12-8-14

19

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of November 24, 2014

**SUBJECT:** Accept the special assessment roll for the "2014 COMMERCE DRIVE  
SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT  
DISTRICT" as prepared by the City Assessor and set a public hearing on  
the special assessment roll for December 8, 2014.

**INITIATED BY:** As directed by City Council resolution dated November 24, 2014.

**RESOLUTION SUMMARY:** This resolution accepts the special assessment roll for the "2014  
COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL  
ASSESSMENT DISTRICT" as prepared by the City Assessor and sets a  
public hearing on the special assessment roll for December 8, 2014.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution
3. Special Assessment Roll

**CITY COUNCIL ACTION:**

1. Set a public hearing on the special assessment roll for December 8, 2014.
2. Adopt resolution by 3/5 vote.

Reid Duford  
City Assessor

November 19, 2014

# Midland

City Assessor ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3334 ♦ 989.835.5701 Fax

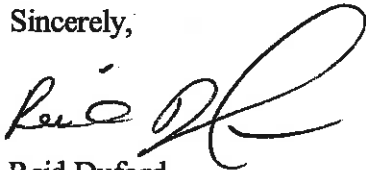
November 19, 2014

Mr. Jon Lynch  
City Manager  
Midland, MI 48640

Dear Mr. Lynch:

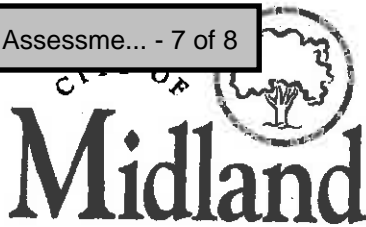
On November 24, 2014, the City Council will hold a public hearing of necessity for the "2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT". Assuming the City Council will approve the resolution that finds necessity and directs the City Assessor to prepare the special assessment roll, I have prepared the attached special assessment roll. Also attached is a resolution that will set the date of December 8, 2014 for the public hearing on the roll.

Sincerely,



Reid Duford  
City Assessor





City Assessor • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3334 • 989.835.5701 Fax

BY COUNCILMAN

WHEREAS, pursuant to the direction of the City Council, the City Assessor of said City of Midland has prepared and reported to the City Council the Assessment Roll covering and containing the proposed Special Assessments assessed and levied, respectively in the "2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" as heretofore established for the proposed Sanitary Sewer Improvement in said district, as designated in Resolutions heretofore adopted by the City Council; now therefore

RESOLVED, that the said Roll be accepted by the City Council and that it be filed in the office of the City Clerk for public examination, and that the City Clerk be and is hereby directed to give notice pursuant to the Ordinance that the Assessment Roll has been made and filed in the office of the City Clerk for public examination and that the City Council of the City of Midland will meet at the Council Chambers in the City Hall in said City at 7:00 o'clock p.m., on the eighth day of December, 2014, to review said Special Assessment Roll at which time and place, opportunity will be given to all persons interested to be heard; and

RESOLVED FURTHER, that the City Clerk give notice of said hearing by causing a copy of this Resolution to be published once in the Midland Daily News at least ten days prior to the date of the eighth day of December, 2014, and that the City Clerk also give notice of said hearing by letter to each property owner subject to Special Assessment by reason of said improvement, the addresses of said property owners to be taken from the latest Tax Assessment Roll in the City Assessor's Office in accordance with Act 162 of the Public Acts of Michigan of 1962.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeavote of all the Councilmen present at a regular meeting of the City Council held Monday, November 24, 2014.

\_\_\_\_\_  
Selina Tisdale, City Clerk

## City of Midland

2014 COMMERCE DRIVE SANITARY SEWER IMPROVEMENT  
SPECIAL ASSESSMENT DISTRICT ROLL

Sanitary Sewer District:

Date 11-19-2014

A 400.0 FT STRIP OF LAND BEG AT N ¼ COR OF SEC 33, T15N R2E; TH S  
1,899.9 FT, ALG N-S ¼ SEC LN, SEC 33; AND A 400.0 FT STRIP OF LAND  
BEG AT S ¼ COR OF SEC 28, T15N R2E; TH N 658.9 FT, ALG N-S 1/4 SEC  
LN, SEC 28

		Frontage	Assessment Amount
BARTOS, JOHN N & SANDRA	11-28-40-400	660.00'	\$30,868.20
2095 N JEFFERSON RD MIDLAND MI 48642			
204 COMMERCE DR			
S ½ OF S ½ OF S ¼, SEC 28, EXC E 462.5 FT OF S 234 FT, T15N-R2E			
F/A PNACEK LTD	11-33-10-400	327.00'	\$15,293.79
2525 N EASTMAN RD MIDLAND MI 48642-7871			
800 COMMERCE DR			
N ½ OF NE ¼ OF SEC 33, LYING N OF COMMERCE DR AND EXC THE W 40 FT, SEC 33, T15N-R2E			
PROGRAM TOTAL		987.00'	\$46,161.99

Attached documents for item Second reading and adoption of an ordinance adding Article XIV of Section 21-175 of Chapter 21 - Dial-A-Ride Fees. MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of December 8, 2014**

**SUBJECT:** Second reading and adoption of an ordinance to add the current Dial-A-Ride fees to the City's Code of Ordinances

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This action gives second reading and adoption to an ordinance that adds the current Dial-A-Ride fees to the City's Code of Ordinances.

**ITEMS ATTACHED:**

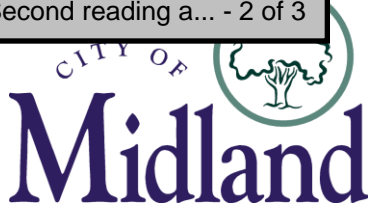
1. Letter of Transmittal
2. Ordinance

**CITY COUNCIL ACTION:**

1. 3/5 vote required to give second reading and adoption to ordinance

---

Karen Murphy  
Director of Public Services



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

December 2, 2014

Jon Lynch  
City Manager  
Midland, MI

RE: Second reading and adoption of an ordinance to add the current Dial-A-Ride fees to the City's Code of Ordinances

At the November 24 meeting of City Council, first reading was given to an ordinance that would add the current Dial-A-Ride (DART) fees to the City's Code of Ordinances. All other fees for services provided by the Department of Public Services are included in the Code of Ordinances, but upon researching the Dial-A-Ride fees for a policy-related matter, it was discovered that the DART fees are not currently part of an ordinance.

The proposed ordinance includes all the current fees charged by Dial-A-Ride, along with a new proposed fee that could be enacted by Dial-A-Ride supervision if a passenger misses three rides within a 30-day period without notifying dispatch in advance. When a passenger books a ride and does not show up to the bus, this costs the City \$16.00 in expenses (related to labor, fuel, bus usage) and prevents another passenger from using the service at that time. This fee would be used sparingly, with the goal of making the passenger accountable for their ride reservations. The Dial-A-Ride Commission reviewed this new fee and made a unanimous recommendation to City Council to approve the fee.

Amending the Code of Ordinances requires a two-step process. City Council heard the first reading of the ordinance in November. The proposed ordinance change is being submitted a second time to the City Council for a second reading and adoption at the December 8 meeting.

Attached is the proposed ordinance that details the current Dial-A-Ride fee schedule for second reading and adoption by the City Council.

Respectfully submitted,

---

Karen Murphy  
Public Services Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MIDLAND, MICHIGAN, BY CREATING ARTICLE XIV, SECTION 21-175 OF CHAPTER 21 THEREOF.

The City of Midland Ordains:

Section 1. Article XIV, Section 21-175 of Chapter 21 is hereby created as follows:

ARTICLE XIV

DIAL-A-RIDE RATES AND FEES

Sec. 21-175. Dial-A-Ride rates and fees.

Fees for services provided by the City of Midland Dial-A-Ride transportation system shall be:

(1) Fares:

- |    |   |           |
|----|---|-----------|
| a. | Regular, one way                                      | \$2.00    |
| b. | Senior citizen and persons with a disability, one way | \$0.75    |
| c. | Child (age 5-11) with an adult or sibling, one way    | \$1.00    |
| d. | First child (under age 5) with a parent, one way      | No charge |
| e. | Second child (under age 5) with a parent, one way     | \$1.00    |
| f. | Regular fare ticket book, ten (10) one way tickets    | \$18.00   |
| g. | Reduced fare ticket book, ten (10) one way tickets    | \$6.75    |

(2) No-show penalties:

- |    |  |         |
|----|--|---------|
| a. | Regular, each way                                      | \$2.00  |
| b. | Senior citizen and persons with a disability, each way | \$0.75  |
| c. | Child (age 5-11) with an adult or sibling, each way    | \$1.00  |
| d. | Second child (under age 5), each way                   | \$1.00  |
| e. | Third no-show in a thirty (30) day period              | \$16.00 |

Section 2. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

\_\_\_\_\_  
Selina Tisdale, City Clerk

Attached documents for item \* Reappointing Carl Coons to the Saginaw-Midland Municipal Water Supply Corporation Board of Trustees. BUSH

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of December 8, 2014

**SUBJECT:** REAPPOINTMENT OF CARL COONS TO THE SAGINAW-MIDLAND  
MUNICIPAL WATER SUPPLY CORPORATION BOARD OF TRUSTEES

**RESOLUTION SUMMARY:** This resolution approves the reappointment of Carl Coons to the Saginaw-Midland Municipal Water Supply Corporation Board of Trustees for a term to expire December 31, 2020.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Letter from Saginaw-Midland Municipal Water Supply Corporation
3. Resolution

**COUNCIL ACTION:**

3/5 vote required to approve resolution

Noel D. Bush  
Utilities Director





City Hall • 333 West Ellsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

December 3, 2014

Jon Lynch, City Manager  
City of Midland  
Midland, MI 48640

Mr. Lynch:

A Board of six members governs the Saginaw-Midland Water Supply Corporation. Each of the two principal cities, Midland and Saginaw, appoint three members to this Board. Appointments are for six-year terms, staggered, with one vacancy occurring each year.

Although not required, it is customary that each City appoint their City Manager to represent City Government, one member to represent business interests, and one member to represent citizen interests.

The attached resolution approves the reappointment of Carl Coons as the citizen representative to the Saginaw-Midland Municipal Water Supply Corporation to fill the term expiring December 31, 2020.

Please contact me if you have any questions.

Sincerely,

Noel D. Bush  
Utilities Director

NDB:pw



4678 S. THREE MILE ROAD • BAY CITY, MI 48706 • PH. 989-684-2220 • FAX 989-684-7741

October 22, 2014

Ms. Selina Tisdale, City Clerk  
City of Midland  
P.O. Box 1647  
Midland, MI 48641-1647

Dear Ms. Tisdale:

Please be advised that the term of Mr. Carl Coons on the Board of Trustees of the Saginaw-Midland Municipal Water Supply Corporation will expire on December 31, 2014. Mr. Coons has diligently served the interests on the City of Midland on the Board of Trustees since 2004. The Corporation's Articles of Incorporation, Article VII, states:

*"Successor Board members shall be appointed by the legislative bodies of the respective constituent municipalities on or before the 15<sup>th</sup> day of December of each year that a term of office expires."*

The City of Midland is requested to provide an appointment to the open six year term which expires on December 31, 2020.

Sincerely yours,

A handwritten signature in black ink that reads "Michael Quinnell". The signature is written in a cursive, flowing style.

Michael Quinnell,  
Manager

Cc: Mr. Coons

MQ:kj



City Hall • 333 West Elsworth Street • Midland, Michigan 48640-5132 • 989.837.3300 • 989.835.2717 Fax • [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

BY COUNCILMAN

RESOLVED, that Carl Coons is hereby reappointed as the citizen representative to the Saginaw-Midland Municipal Water Supply Corporation Board of Trustees for the term expiring December 31, 2020.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

---

Selina Tisdale, City Clerk

T:Sag-Mid Wtr Bd Reappt - Coons

Attached documents for item Receiving and filing the 2014 Construction Progress Report.  
MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**

For City Council Meeting of December 8, 2014

**SUBJECT:** Construction Progress Report

**INITIATED BY:** Brian McManus, City Engineer

**RESOLUTION SUMMARY:** This resolution authorizes City Council to receive and file the 2014 Construction Progress Report

**ITEMS ATTACHED:**

1. Summary Letter to City Manager
2. Construction Progress Report - 2014
3. Resolution
4. Location Maps

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

DATE: December 3, 2014

TO: Jon Lynch, City Manager

FROM: Brian McManus, City Engineer

RE: 2014 Construction Progress Annual Report

Annually, the Engineering Department provides a construction progress report that provides City Council and the community information regarding the progress of planned construction projects. The 2014 construction progress report is consolidated from the Project Priority Reports approved by City Council during the 2013/14 and 2014/15 budgeting processes. Each year new projects are approved under five funding categories that include Major Streets, Local Streets, Sanitary Sewer, Water, and Miscellaneous General Fund. Construction of approved projects is staggered, with some being completed in the summer that the budget is approved, and some completed the following year.

As shown on the project report, the majority of projects planned for construction in 2014 are complete. Certain projects are in progress and work on those will continue through the winter and spring. Approximately \$8.0M worth of improvements was completed this construction season.

The 2014 construction program was highlighted by several street improvements. Within the Major Street system, we reconstructed Ellsworth Street in Downtown Midland between Ashman and George Streets. During the 2014 construction year, several projects were completed with participating federal funds provided through the State or through the Midland Area Transportation Study. Projects included Ashman Street between Swede and Cambridge; Washington Street between Patrick and Ashman; and the bridge on Airport Road over Sturgeon Creek. In addition, the first modern roundabout within the City, on US-10 BR, was constructed by MDOT.

Several Local Streets were reconstructed including Cambridge, Partridge, Wallen, Elgin and Noeske. Most notably as part of the Local Street project, work on the Currie Parkway Bridge over the Tittabawassee River was completed. The Currie Parkway Bridge project included removing all of the old paint, performing minor repairs and repainting the entire bridge. The bridge deck and the approaches to the bridge were also reconstructed.

Large surface treatment and crack sealing programs were implemented for both local and major streets.

A resolution is attached for your consideration to receive and file this report.

**2014 CONSTRUCTION PROJECTS****MAJOR STREET FUND**

PROJECT NAME	COST	STATUS	FUNDING	MAP
ASHMAN STREET: CAMBRIDGE TO SWEDE	\$ 744,000	COMPLETE	FY 13/14	✓
WASHINGTON STREET: PATRICK TO ASHMAN	\$ 1,074,000	COMPLETE	FY 13/14	✓
US-10 BR ROUNDABOUT (MDOT)	\$ 1,300,000	COMPLETE	FY 13/14	✓
ELLSWORTH STREET: ASHMAN TO GEORGE	\$ 1,200,000	COMPLETE	FY 14/15	✓
RODD STREET: MAIN TO BUTTLES	\$ 145,000	COMPLETE	FY 13/14	✓
AIRPORT ROAD BRIDGE OVER STURGEON CREEK	\$ 521,000	COMPLETE	FY 13/14	✓
AIRPORT ROAD: PERRINE TO BRIDGE AT STURGEON CREEK	\$ 230,000	COMPLETE	FY 14/15	✓
JAMES SAVAGE ROAD: SAGINAW TO WASHINGTON	\$ 200,000	COMPLETE	FY 14/15	✓
JOE MANN @ HOME DEPOT DRIVE (NEW TRAFFIC SIGNAL)	\$ 45,000	COMPLETE	FY 14/15	✓
DITCH CLEANING	\$ 50,000	COMPLETE	FY 13/14	
TRAFFIC SIGN UPGRADE	\$ 35,000	COMPLETE	FY 13/14	
TRAFFIC SIGNAL UPGRADE	\$ 30,000	COMPLETE	FY 13/14	
NON-MOTORIZED IMPROVEMENTS	\$ 25,000	COMPLETE	FY 14/15	
	<b>\$ 5,599,000</b>			

**LOCAL STREET FUND**

PROJECT NAME				
CAMBRIDGE STREET: ST. ANDREWS TO BOSTON	\$ 234,000	COMPLETE	FY 13/14	✓
ELGIN STREET: ADELAIDE TO NOESKE	\$ 123,000	COMPLETE	FY 13/14	✓
NOESKE STREET: BAKER TO ELGIN	\$ 59,000	COMPLETE	FY 13/14	✓
PARTRIDGE STREET: WACKERLY TO WOODBRIDGE	\$ 280,000	COMPLETE	FY 13/14	✓
WALLEN STREET: LANCASTER TO KENTWOOD	\$ 207,000	COMPLETE	FY 13/14	✓
CURRIE PARKWAY BRIDGE PAINTING	\$ 400,000	COMPLETE	FY 14/15	✓
SURFACE TREATMENT & CRACK SEALING	\$ 300,000	COMPLETE	FY 13/14	
CURB REPLACEMENT & PAVEMENT PATCHING	\$ 200,000	COMPLETE	FY 13/14	
	<b>\$ 1,803,000</b>			

**SANITARY SEWER PROJECTS**

PROJECT NAME				
MISCELLANEOUS SEWER REPAIRS	\$ 50,000	COMPLETE	FY 13/14	
	<b>\$ 50,000</b>			

**MISCELLANEOUS GENERAL FUND PROJECTS**

PROJET NAME				
CATCH BASIN LEAD REPLACEMENTS	\$ 10,000	COMPLETE	FY 13/14	
WACKERLY CULVERT REPLACEMENT	\$ 100,000	COMPLETE	FY 13/14	
	<b>\$ 110,000</b>			

**WATER PROJECTS**

PROJECT NAME				
ELGIN STREET: ADELAIDE TO NOESKE	\$ 143,000	COMPLETE	FY 13/14	
NOESKE STREET: ELGIN TO BAKER	\$ 45,000	COMPLETE	FY 13/14	
WALLEN STREET: LANCASTER TO KENTWOOD	\$ 229,000	COMPLETE	FY 13/14	
	<b>\$ 417,000</b>			

**TOTAL 2014 CONSTRUCTION VALUE** **\$ 7,979,000**



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

WHEREAS, the City Engineer reported the status of completion for projects in the 2014 Construction Program; now therefore

RESOLVED, that City Council hereby receives and files the 2014 Construction Progress Report.

YEAS:

NAYS:

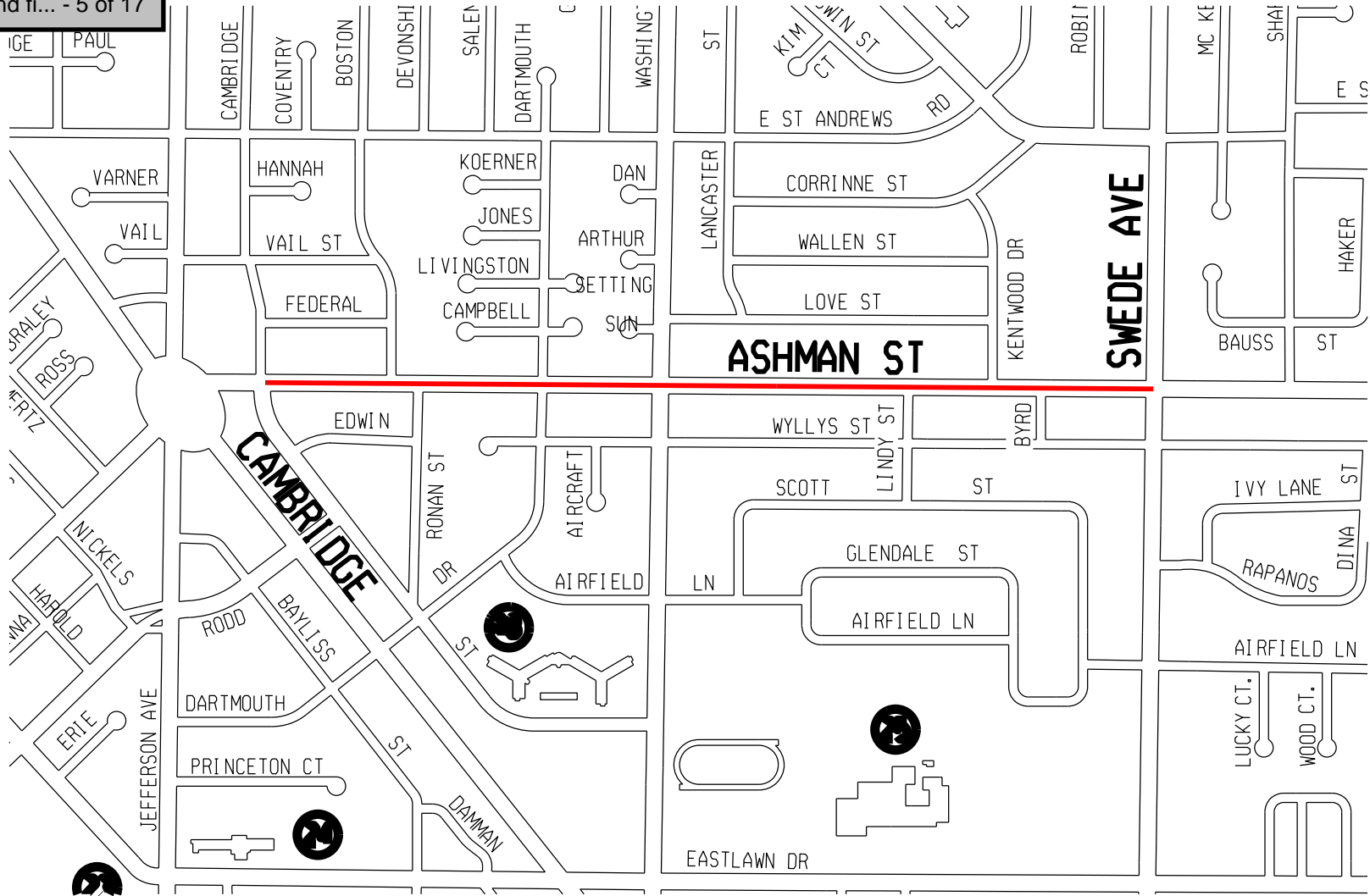
ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

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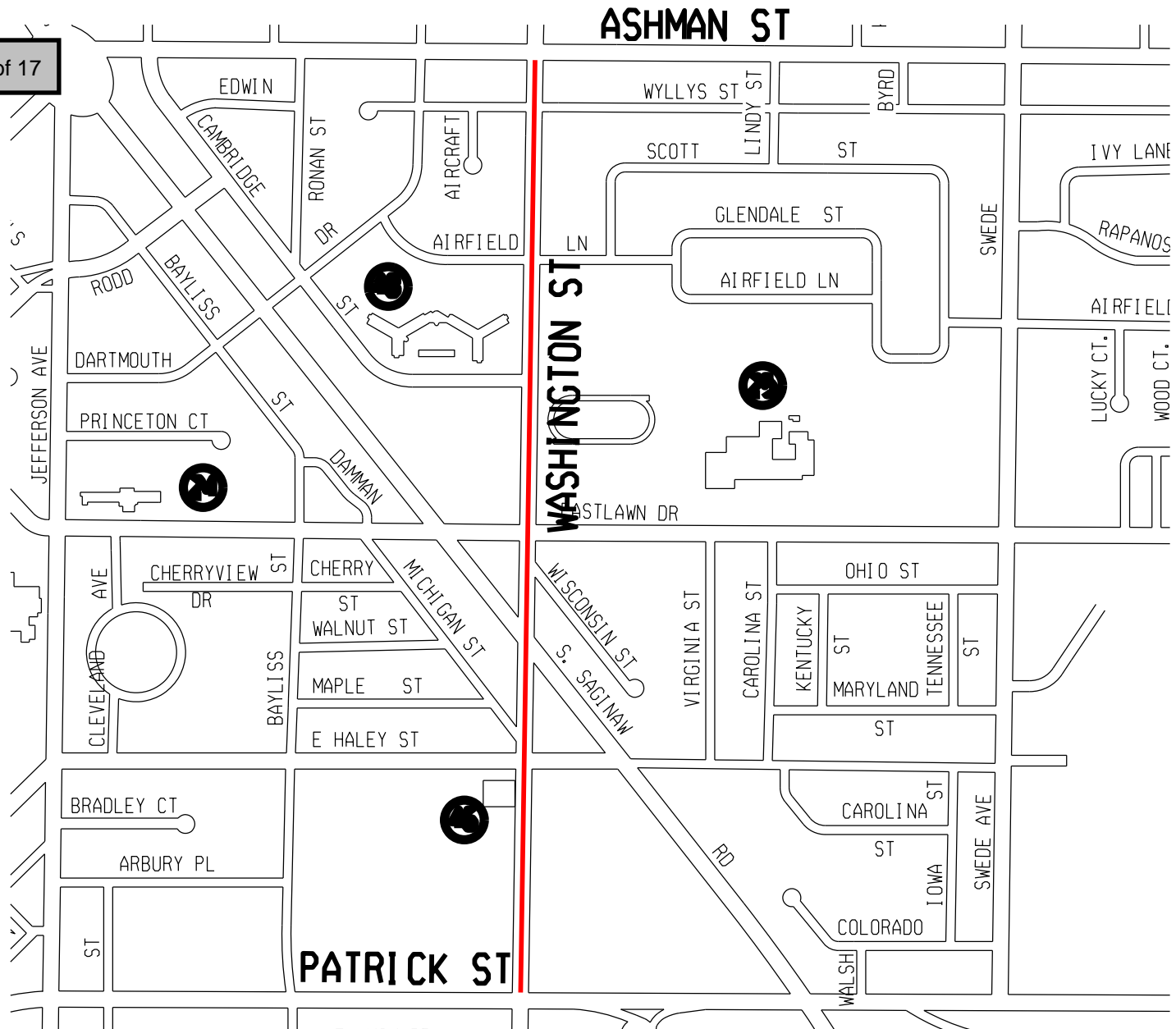
Selina Tisdale, City Clerk





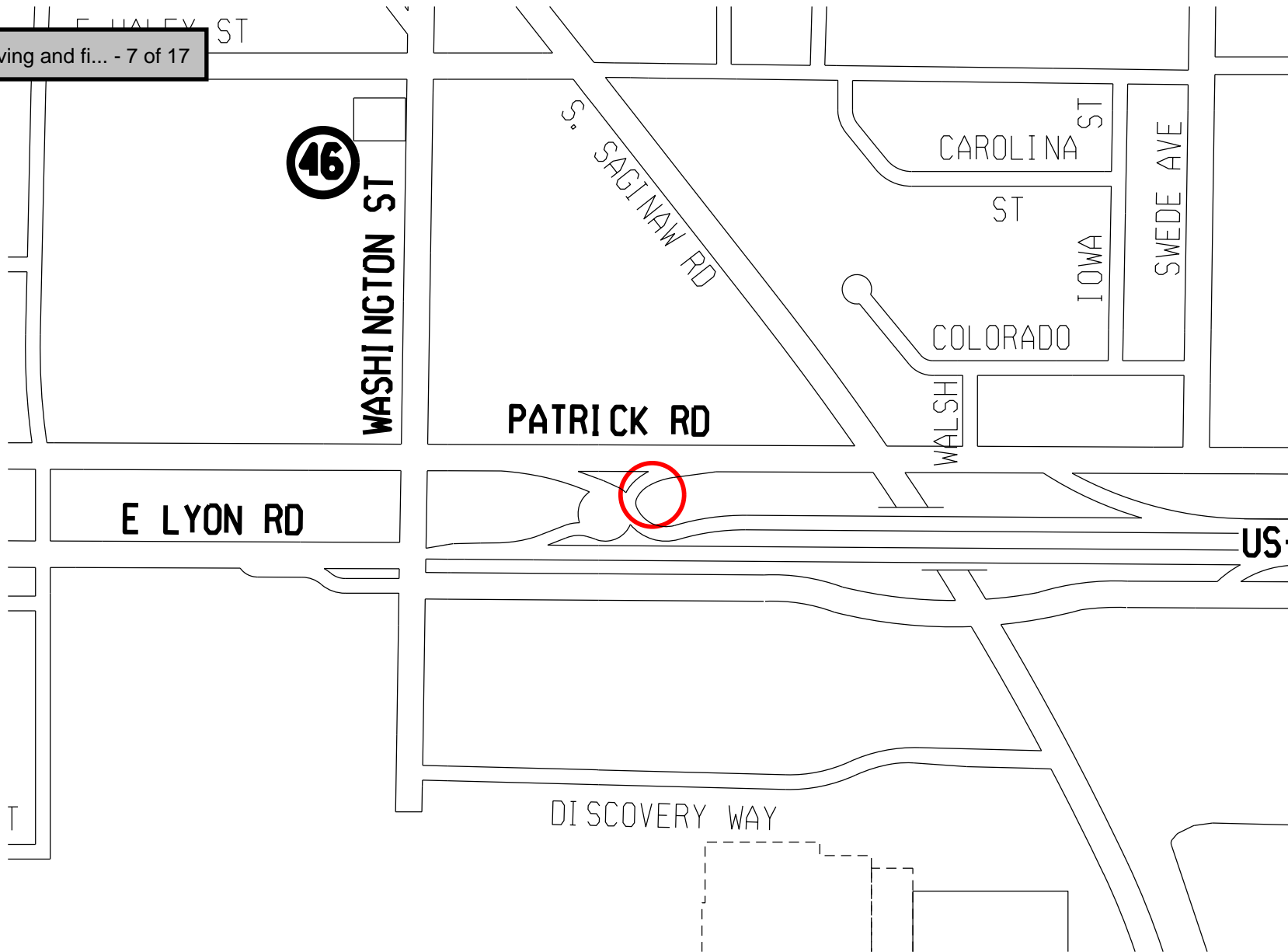
# ASHMAN STREET

## CAMBRIDGE TO SWEDE



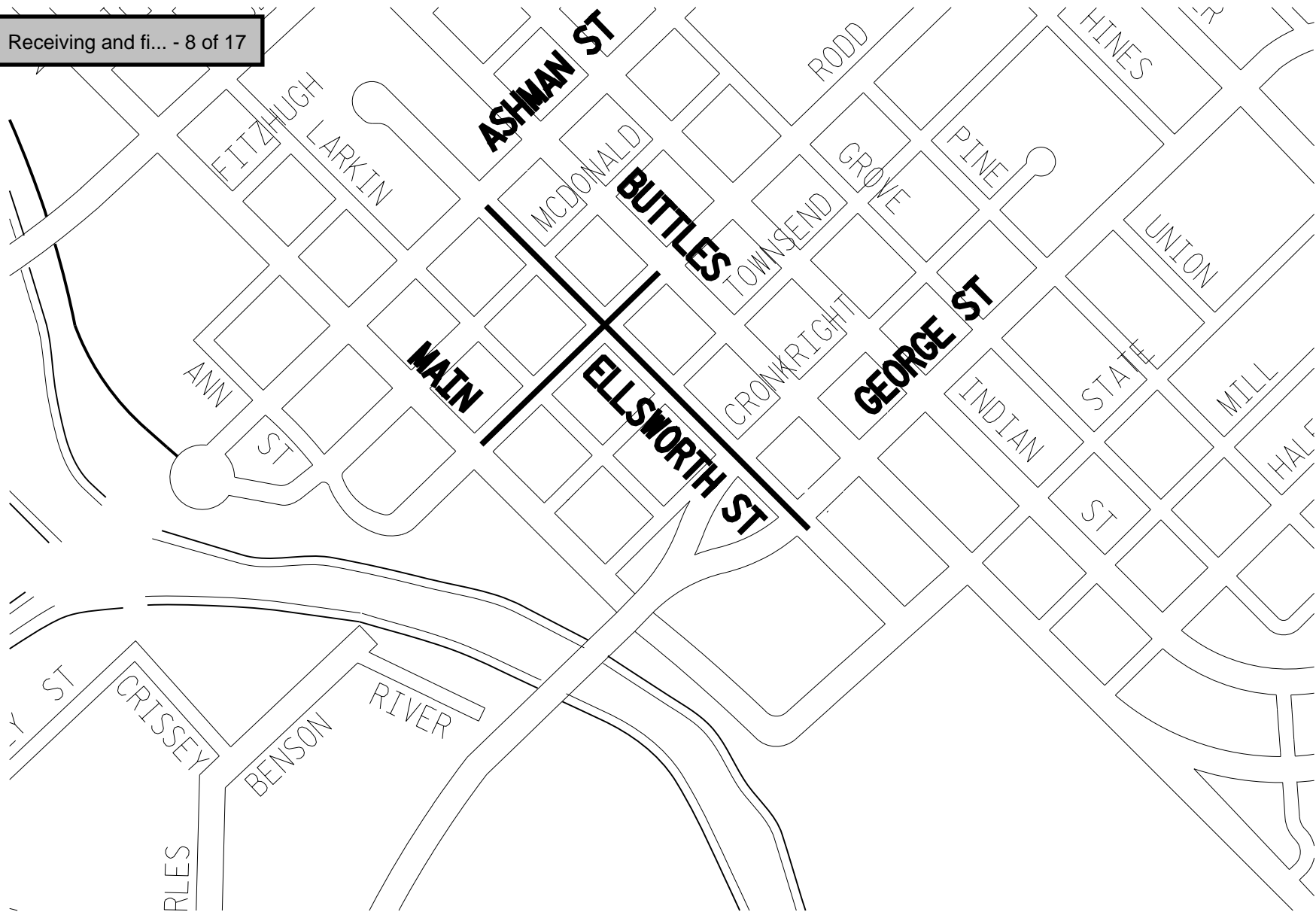
# WASHINGTON STREET

## PATRICK TO ASHMAN



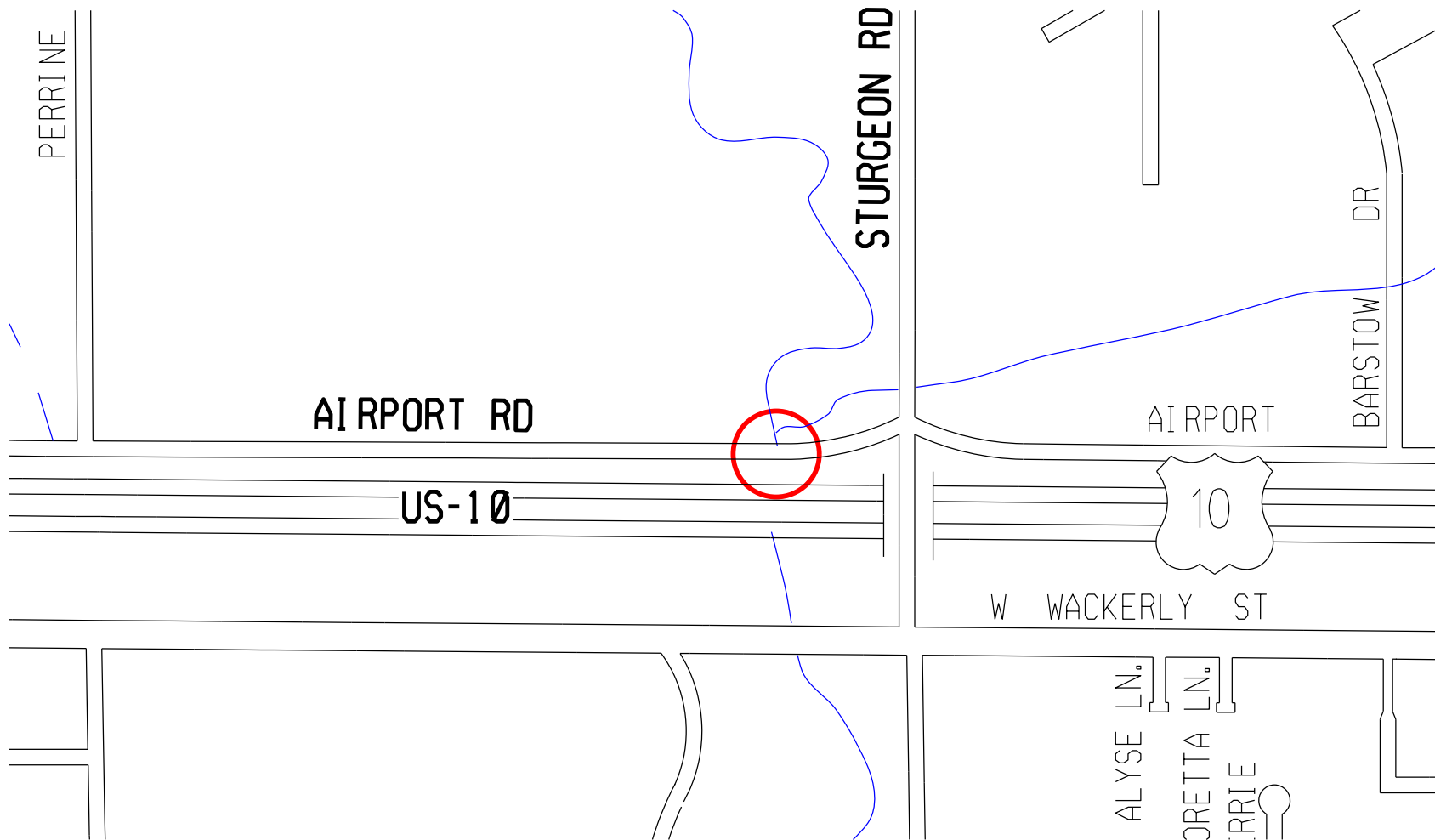
# US-10 BR ROUNDABOUT

## PATRICK & LYON CROSSOVER

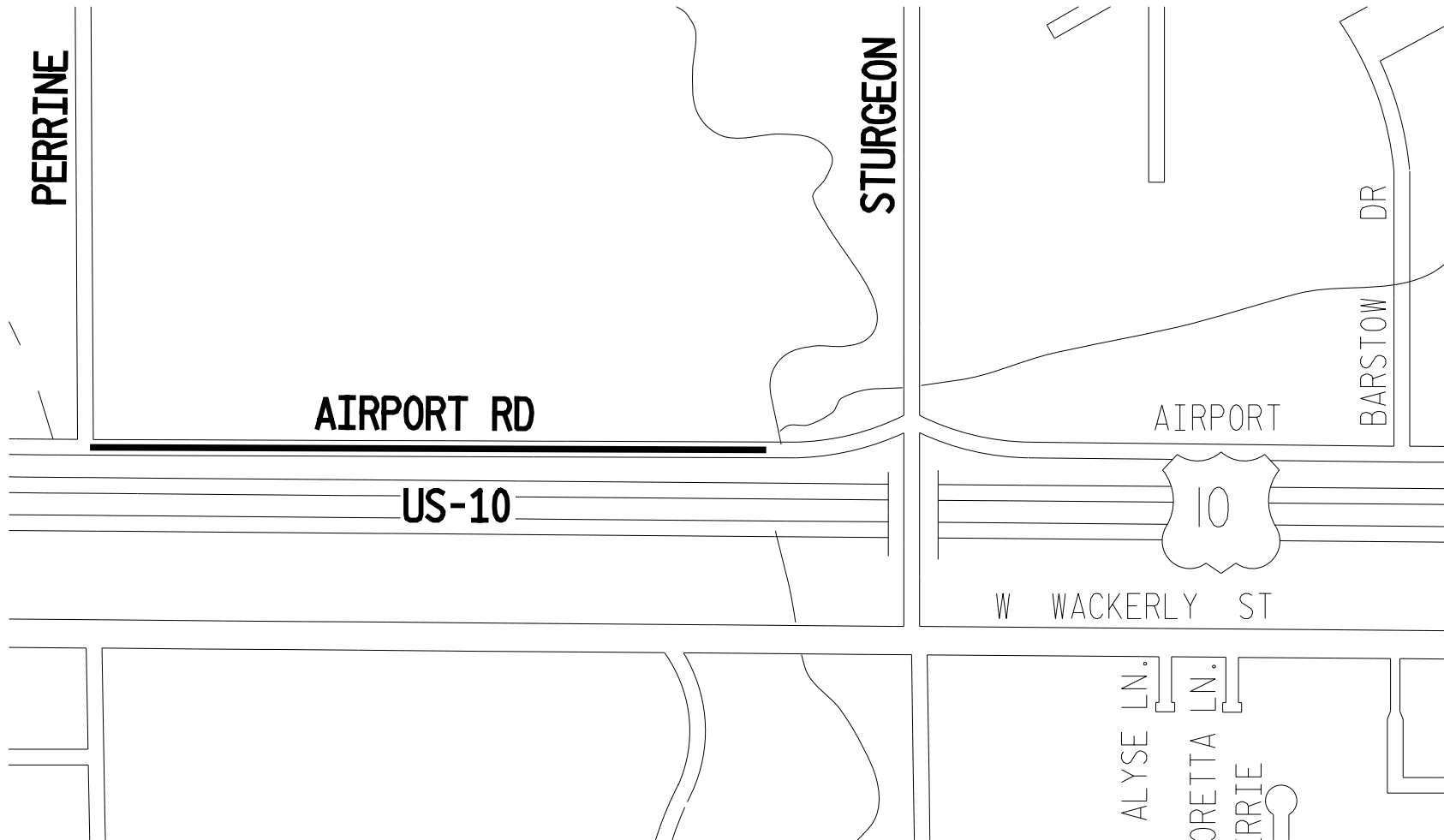


# ELLSWORTH STREETScape AND RODD STREET RECONSTRUCTION

(ELLSWORTH - ASHMAN TO GEORGE) (RODD - MAIN TO BUTTLES)



# AIRPORT ROAD BRIDGE OVER STURGEON CREEK



# AIRPORT ROAD

## PERRINE TO STURGEON CREEK BRIDGE



E LYON RD

COLORADO

WALSH

WASHINGTON ST

**JAMES SAVAGE RD**

DISCOVERY WAY

**SAGINAW RD.**

JAMI

# JAMES SAVAGE ROAD

## WASHINGTON TO SAGINAW

### ROADWAY RECONSTRUCTION



# JOE MANN @ HOME DEPOT INTERSECTION

## NEW TRAFFIC SIGNAL





# CAMBRIDGE STREET

## ST. ANDREWS TO BOSTON

EASTMAN AVE

Receiving and fi... - 14 of 17



ELIZABETH

BOOKNESS

SUNCRI ST

W. COLLINS

ELGIN ST

JEROME

BROWN

MONTROSE

ADELAIDE ST

BAKER ST

NOESKE ST

HARRISON

ELEN

ST

W HINES

17

W ALLEN

ASHMAN

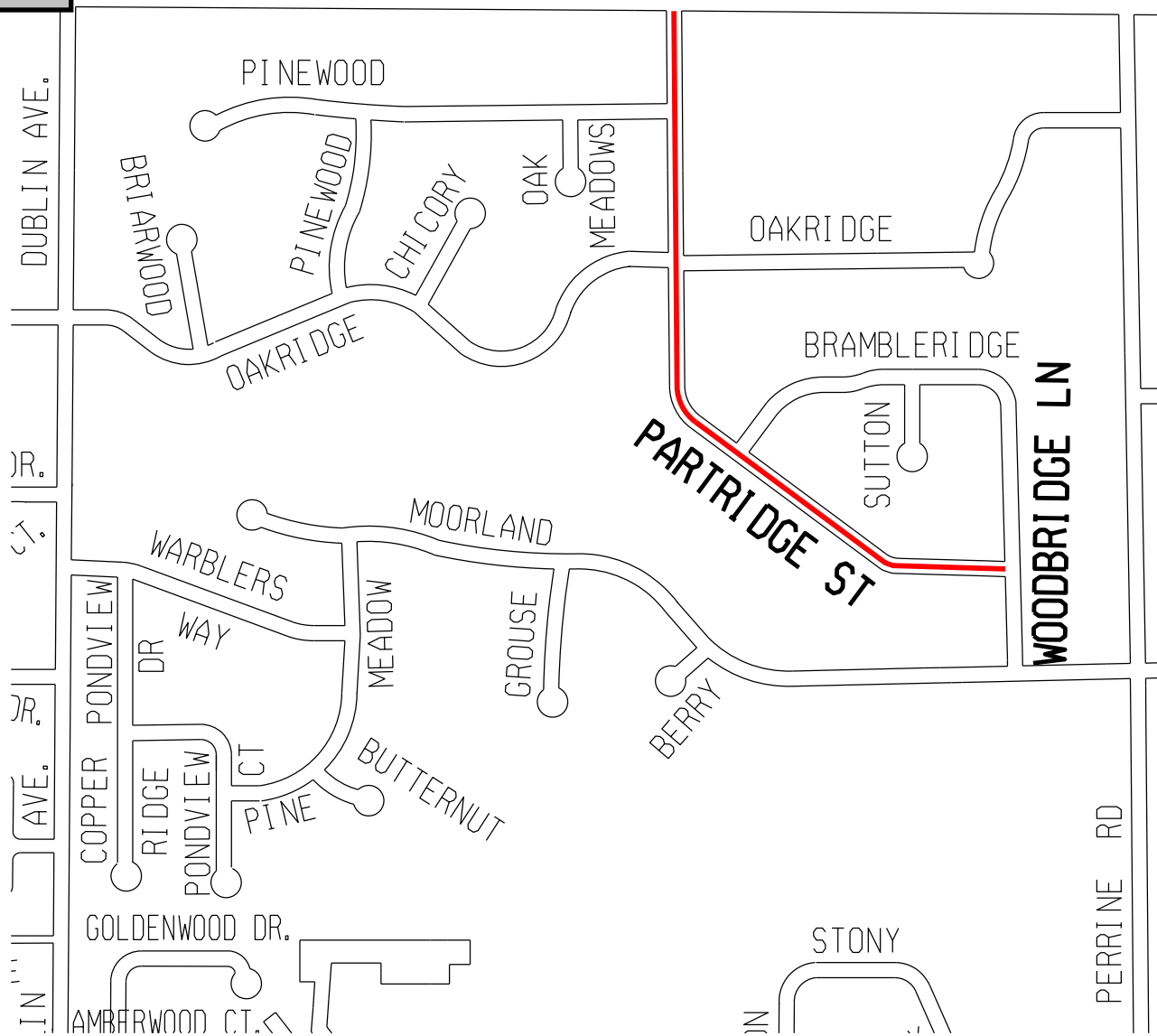
W REARDS

E BAKER

ELGIN AND NOESKE STREETS

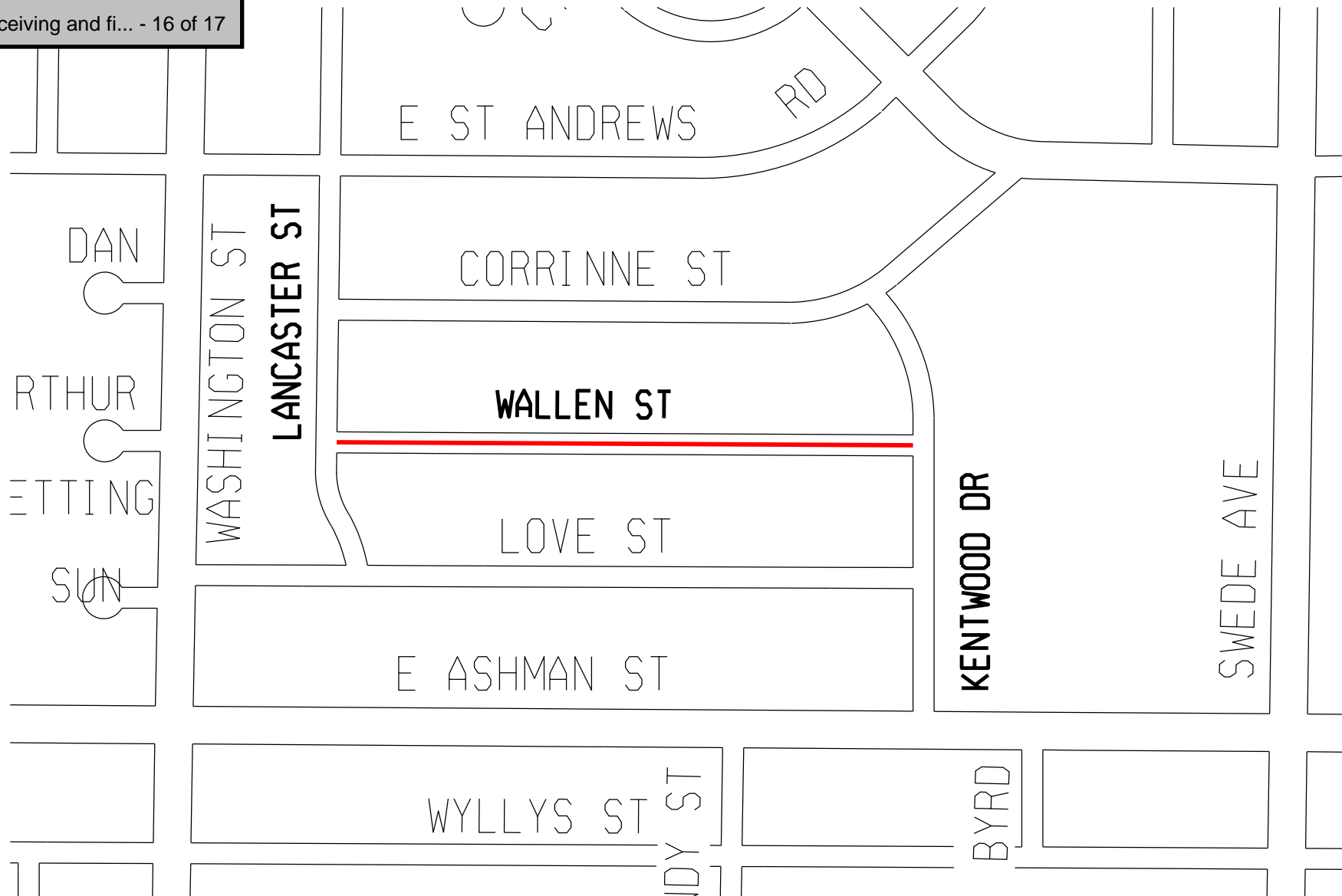
LOCATION MAP  
CONTRACT NO. 13

WACKERLY ST



# PARTRIDGE STREET

## WACKERLY TO WOODBRIDGE



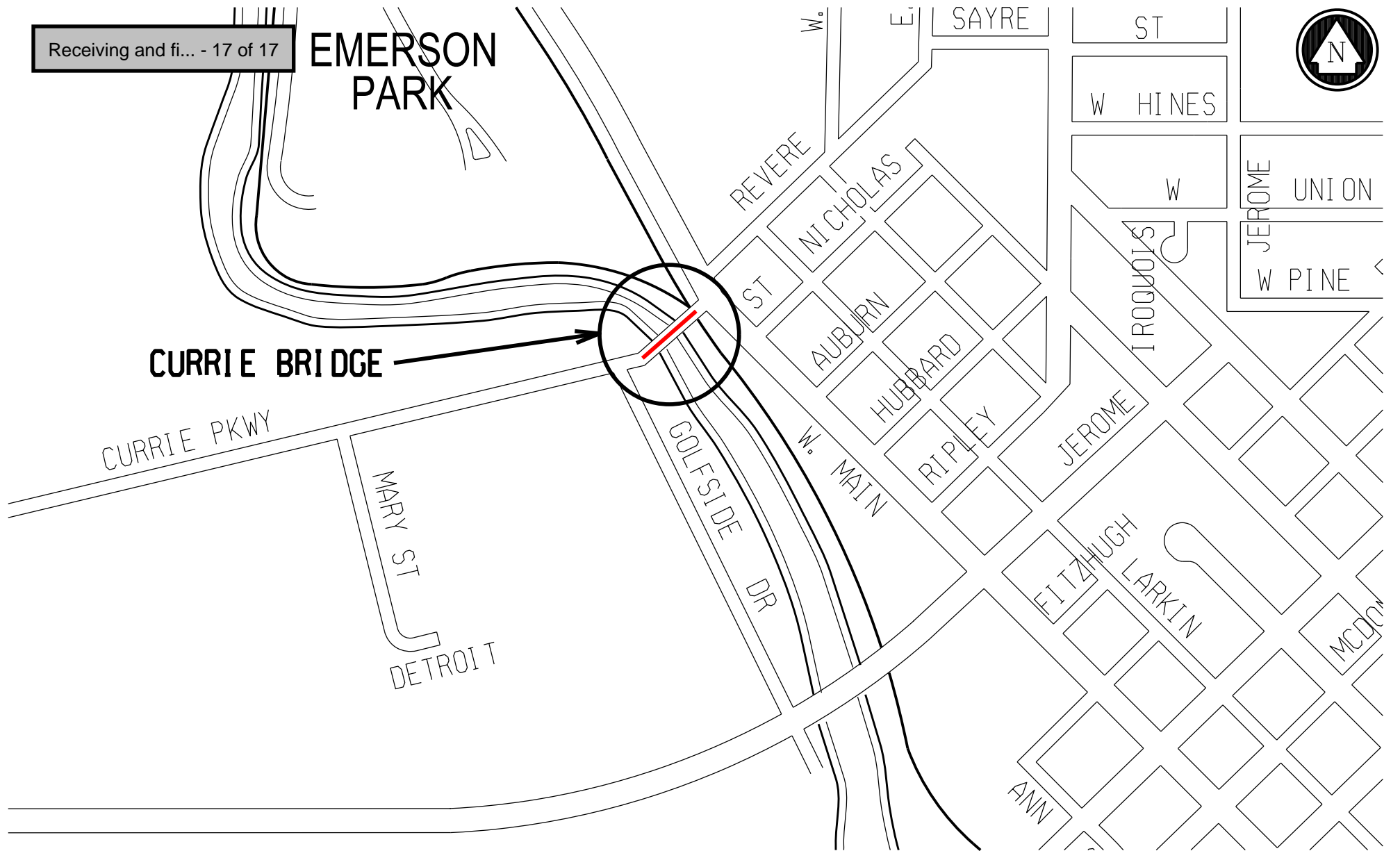
# WALLEN ST

## LANCASTER STREET TO KENTWOOD STREET

EMERSON  
PARK



**CURRIE BRIDGE**



# CURRIE BRIDGE REPAIRS AND REPAINTING

Attached documents for item \* Receiving the Petitioned Projects report. MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**

for Council Meeting of December 8, 2014

**SUBJECT:** PETITION FOR PUBLIC IMPROVEMENT

**INITIATED BY:** Petitioner

**RESOLUTION SUMMARY:** This resolution will receive a petition for Sanitary Sewer on Saginaw Road between Dublin Avenue and Stark Road.

**ITEMS ATTACHED:**

1. Cover Letter
2. Resolution
3. Petition
4. Location map

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian P. McManus, City Engineer



# Midland

City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

December 3, 2014

Jon Lynch, City Manager  
City of Midland, Michigan

Dear Mr. Lynch:

Annually the City of Midland provides the opportunity for residents to request public infrastructure improvements, such as water and sewer system extensions, to areas that are not served by these utilities. We also accept requests for sidewalks and for street improvements in areas that have unimproved gravel roads. On October 1, 2014, we published an ad in the *Midland Daily News* and sent notices to developers to submit their project requests to the City Engineering Department prior to the November 1, 2014 request deadline.

The purpose of this meeting is to consider the public infrastructure improvement petitions received and determine if they should move forward in the process for further consideration. Petitions that advance will be further analyzed by City staff and any findings and subsequent recommendations will be reported to City Council at the annual project priority meeting held in January. A December receipt of the petitions by City Council allows the Engineering Department time to evaluate and prepare cost estimates for the proposed projects.

Public infrastructure improvements are constructed by the City and are funded by a special assessment procedure that requires benefiting property owners to participate in cost-sharing on the project along with the City. The special assessment process requires that an initiatory petition be submitted by one or more property owners within the district benefited. City Council may also initiate special assessment projects.

The City's portion of these costs is for any exempt property, any over-sizing of a water main, sewer main or street improvement, and possibly for a share of the pumping facilities and pressure pipe costs in the sanitary sewer collection system. These City costs are borne entirely by the Water Fund, the Wastewater Fund, and the Major and Local Street Funds as the case may be. In the case of the Water and Wastewater Funds, funding for the City's costs is derived solely with revenue generated by water and sewer rates. In the case of the Major and Local Street Funds, funding for the City's costs is appropriated solely from the revenue received from state gas and weight taxes and the County Road Millage. If funding is not available in the Water or Wastewater Funds for requested projects, then the projects can be postponed or the City could increase user rates (connection fees, capital fees, and water and sewer rates) to accumulate the funds needed for system expansions.



In advance of the Construction Project Priority meeting, we will contact property owners affected by the special assessment process so that they can express their opinions prior to appropriating funds. Projects that are approved in the budget process will then follow the special assessment procedures during the next construction year. The special assessment procedure involves up to five City Council meetings including two formal public hearings.

At this time, we anticipate very limited available funding for new capital improvements in the Water Fund and Wastewater Fund.

Attached hereto is one initiatory petition for capital public improvements that was received by the Engineering Department prior to the November 1, 2014 deadline. Specifically, the petition is:

**IMPROVEMENT**

**LOCATION**

Sanitary Sewers

Saginaw Road – Dublin to Stark

We recommend that this petition be received by Council and referred to the City Engineer for inclusion in the annual project priorities report. This is the first time that a request for sanitary sewer service to this area within our city has been formally received and it will require some preliminary engineering to determine the optimal way to provide the requested services.

Our recent experience indicates that providing utility services to areas similar to this can be quite expensive for the City. Both the recent Waldo Road and Commerce Drive expansions have not only been expensive projects in general but also had relatively high City cost shares that will likely take years to recoup. This dilemma is a product of expanding the City towards our outer boundaries. As we approach our outer City boundaries, quite often the mix of parcels within service districts include parcels within the City limits and parcels outside the City limits. Parcels outside of the City limits cannot be assessed and therefore initially the City would hold the cost of the infrastructure expansion related to those parcels. At such time as the parcels initially outside of the City at the time of utility expansion become annexed, then the City can begin to recoup the utility expansion costs.

We will provide a more clear definition of a service district and costs for this Saginaw Road request at the project priority meeting in January and recommend moving the petition forward for further evaluation.

The attached resolution refers the above-mentioned public improvement petition to the City Engineer for inclusion in his report to the City Council on Engineering Priorities. If you have any questions, please contact me.

Sincerely,

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Brian P. McManus  
City Engineer



# Midland

*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

RESOLVED, that the attached petition received from Robert and Dana Murray and Jacob Keister, for the installation of a sanitary sewer on Saginaw Road between Dublin Avenue and Stark Road, is hereby received and referred to the City Engineering Department for consideration of inclusion in the 2015 Construction Program.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

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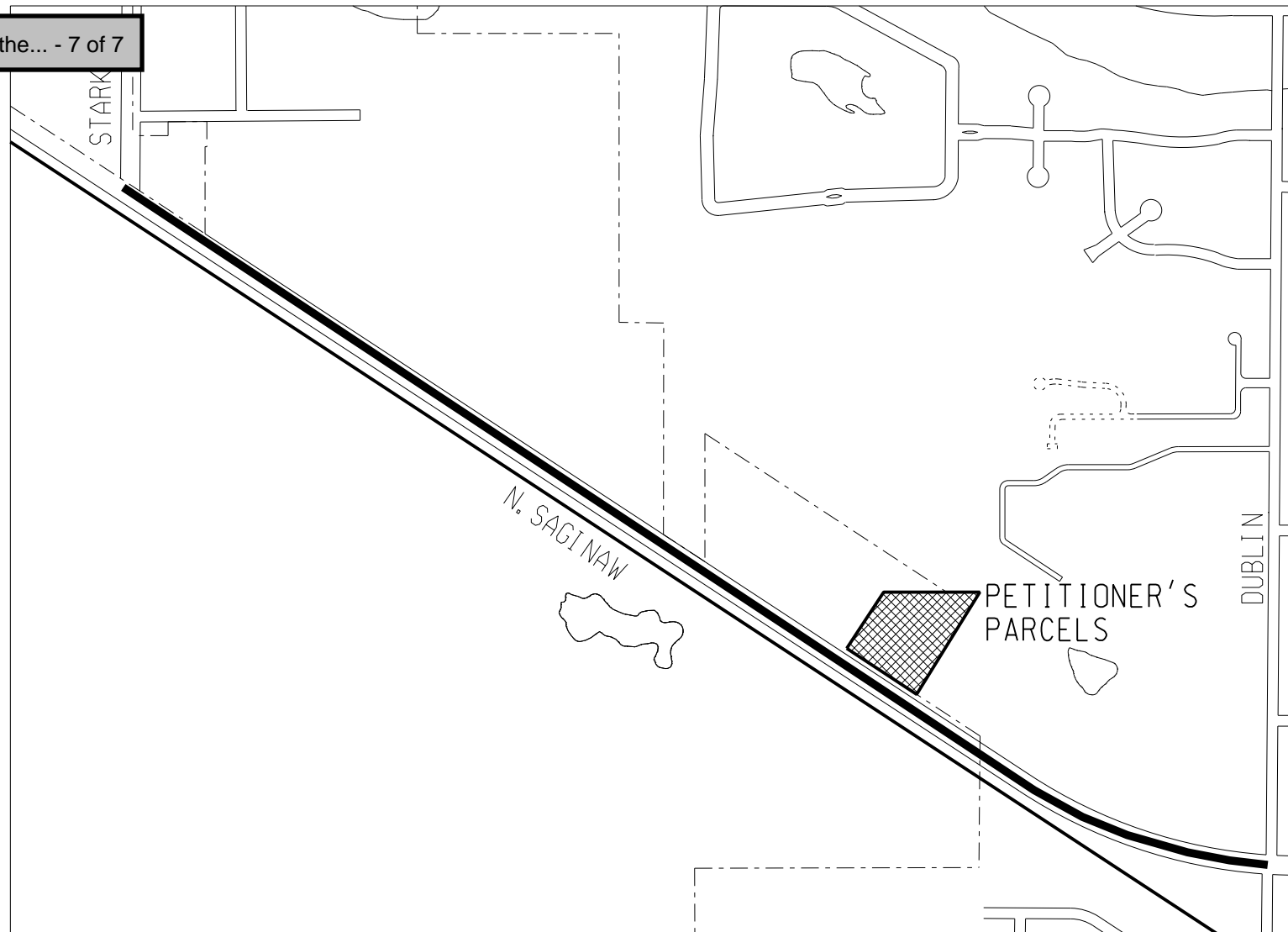
Selina Tisdale, City Clerk

10/25/2014

With regard to sanitary sewer availability at 5706, 5712 and 5720 North Saginaw Road in the City of Midland. Upon receipt of this letter, the property owners are submitting a formal request for installation of sanitary sewer to our properties.

Robert and Dana Murray and Jacob Keister

\* Receiving the... - 7 of 7



# N. SAGINAW SANITARY SEWER

## DUBLIN TO STARK

Attached documents for item \* Winter Blend Diesel Fuel purchase from November 18 (4/5 vote required). MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of December 8, 2014**

**SUBJECT:** Approve Fuel Purchase from November 18, 2014

**RESOLUTION SUMMARY:** This resolution waives the requirement for sealed proposals and approves the purchase of 12,506 gallons of Winter Blend diesel fuel from Michigan Petroleum for \$37,505.49 that was executed by the Purchasing Agent on November 18, 2014.

**ITEMS ATTACHED:**

1. Transmittal letter to City Manager
2. Resolution

**CITY COUNCIL ACTION:**

1. 4/5 vote required to approve resolution

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Karen Murphy  
Director of Public Services

MMR



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

December 1, 2014

Jon Lynch  
City Manager  
Midland, Michigan

RE: Approve fuel purchase made on November 18, 2014

At their December 17, 2007 meeting, City Council adopted a resolution that allows the Purchasing Agent to purchase full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next available Council meeting. Fuel is ordered on an as needed basis to maintain an adequate supply to meet the demand of the city fleet as well as to keep a reserve on hand to cover any unanticipated increase in usage. This process was reviewed by City Council on December 21, 2009 and is still deemed to provide significant cost savings to the City.

Fuel is purchased through a competitive bid process whereby the Purchasing Agent faxes out a request for a price per gallon for unleaded and/or diesel fuel to a list of fuel suppliers. Interested suppliers fax back their prices the following morning. Due to the volatility of the fuel market, pricing is only valid for the remainder of that day. The fuel purchase is awarded to the lowest price supplier, and the fuel delivery is scheduled for that same day.

It should be noted that approval of fuel purchases will require a 4/5 vote due to the need to waive the requirement for sealed proposals as a result of the above-described bidding process.

Bids were received using this process on November 18, 2014 for 12,506 gallons of diesel fuel. Bids were received as follows:

Michigan Petroleum, Port Huron, MI	Winter Blend Diesel	\$2.9990/gallon
Foster Oil, Richmond, MI	Winter Blend Diesel	\$3.0306/gallon
Hirschman Oil, Reese, MI	Winter Blend Diesel	\$3.1400/gallon

The low bid was received from Michigan Petroleum of Port Huron, Michigan, with a price of \$2.999 per gallon for Winter Blend diesel fuel. The unit price includes the delivery charge, and the total purchase price was \$37,505.49 for 12,506 gallons of fuel delivered.

We are requesting that Council waive the requirements for sealed bids, and approve the purchase of 12,506 gallons of Winter Blend diesel fuel from Michigan Petroleum for \$37,505.49 that was executed by the Purchasing Agent on November 18, 2014.

Respectfully submitted,

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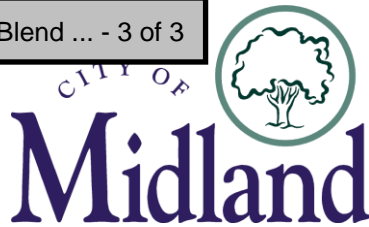
Karen Murphy  
Director of Public Services

MMR

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Mike Meyer  
Purchasing Agent





*Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)*

BY COUNCILMAN

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows the Purchasing Agent to purchase full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore

RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 12,506 gallons of Winter Blend diesel fuel from Michigan Petroleum of Port Huron, Michigan for \$37,505.49 executed by the Purchasing Agent on November 18, 2014, is hereby approved.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

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Selina Tisdale, City Clerk

Attached documents for item \* Change Order from Three Rivers Corporation for Window Replacement project. BARNARD

**SUMMARY REPORT TO THE CITY MANAGER  
for City Council meeting of December 8, 2014**

**SUBJECT:** Approve a change order from Three Rivers Corporation to reinforce and replace structural steel supports for the window replacement project at the library

**INITIATED BY:** Melissa Barnard, Library Director

**RESOLUTION SUMMARY:** This resolution approves a change order from Three Rivers Corporation to provide additional structural support for the window replacement project at the Grace A. Dow Memorial Library in an amount not to exceed \$25,881.

**ITEMS ATTACHED:**

1. Letter of Transmittal
2. Resolution

**CITY COUNCIL ACTION:**

3/5 vote required to approve resolution

Melissa Barnard  
Library Director



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

December 3, 2014

TO: Jon Lynch, City Manager

SUBJECT: Change Order for Additional Work

At a regular meeting of City Council on Monday, September 9, 2013, Council authorized the Mayor and City Clerk to execute an agreement with Three Rivers Corporation for interior improvements at the Grace A. Dow Memorial Library in an amount not to exceed \$982,200 and authorized the City Manager to approve change orders not to exceed \$20,000 in total.

On July 14, 2014, Council approved a change order for window replacements. The windows being replaced are original to the building when it was built in 1955. During the demolition of the windows, it was determined that steel structures needed reinforcing and replacing in order to support the windows. The windows affected are those in the Library's Quiet Room.

Funds from the grant awarded by The Herbert H. and Grace A. Dow Foundation are available due to favorable bids for the other improvement projects at the library.

WTA Architects, the firm providing architectural services for the project, has reviewed and supports the change order submitted by Three Rivers Corporation.

It is recommended that City Council approve this change order for \$25,881. Funds are available in the 2014-2015 Grace A. Dow Memorial Library budget.

Respectfully Submitted,

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Melissa Barnard, Library Director

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Michael L. Meyer, Purchasing Agent



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

BY COUNCILMAN

WHEREAS, at a regular City Council meeting on September 9, 2013, Council authorized execution of an agreement with Three Rivers Corporation for interior improvements at the Grace A. Dow Memorial Library; and

WHEREAS, a change order for \$25,881 to reinforce and replace steel structures for the window replacement project at the Grace A. Dow Memorial Library has been submitted by Three Rivers Corporation; and

WHEREAS, funds are available in the 2014-2015 Grace A. Dow Memorial Library budget; now therefore

RESOLVED, that the City Council hereby approves adding the change order to the contractor's agreement that addresses the structural issues associated with the window replacement project at the Grace A. Dow Memorial Library by Three Rivers Corporation in an amount not to exceed \$25,881.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all of the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

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Selina Tisdale, City Clerk

Attached documents for item \* Hook-Lift System and Chip Box Body. MURPHY

SUMMARY REPORT TO MANAGER

**For City Council Meeting of December 8, 2014**

**SUBJECT:** Purchase of hook-lift system with chip box body

**INITIATED BY:** Department of Public Services

**RESOLUTION SUMMARY:** This resolution authorizes purchase orders to Truck and Trailer Specialties of Dutton, MI in the amount of \$53,795 for the supply and installation of a hook-lift system on existing City unit 376, and to NBC Truck Equipment of Roseville, MI in the amount of \$8,190 for the supply of a forestry chip box body. This resolution also authorizes the City Manager to approve changes to the purchase orders not to exceed 5% of the total cost.

**ITEMS ATTACHED:**

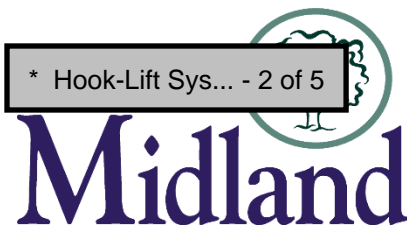
1. Letter of Transmittal
2. Photographs of City unit 376 and a hook-lift truck
3. Resolution

**CITY COUNCIL ACTION:**

1. 3/5 vote required to approve resolution

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Karen Murphy  
Director of Public Services



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

December 3, 2014

Jon Lynch  
City Manager  
Midland, Michigan

RE: Purchase of hook-lift system with chip box body

The Department of Public Services has traditionally used single axle dump trucks for snow removal and salting throughout Midland's 36 square miles. Each truck is equipped with an underbody scraper for plowing and a salt spreader for ice control. Some of these trucks spend the off season parked at the Service Center as the specialized snow/ice trucks are not a good fit for non-winter uses. In an effort to increase utilization of these vehicles during the rest of the year, Public Services, Parks, and Fleet Management staff have worked together for several years to identify other ways that these trucks can be used. As a result, we have identified the hook-lift, a system that allows different truck bodies, such as a V-body salter, a chip box for forestry, or a flatbed stake rack for hauling logs, to be interchanged on the same truck chassis. The hook-lift system is attached to the truck chassis and operated by the driver of the truck, who can unload one truck body and load a different truck body on within a matter of several minutes, making the entire unit very versatile to respond to different types of work on any given day. Last fiscal year, the City ordered two hook-lift trucks to replace two trucks that had chassis-mounted V-body spreaders. These trucks recently arrived, and Public Services staff and supervisors have since identified several additional uses for the trucks so that the trucks will be utilized year-round.

One additional use for the hook-lift trucks is to assist the forestry crews. The Forestry Division of the Parks Department performs tree trimming and removals on all City-owned property with two forestry trucks that combine an aerial boom with a small chip body. During high volume operations, such as complete tree removals, the chip bodies on these trucks can be filled in less than 90 minutes, requiring the operation to be halted until the truck can be driven to a dump site and the body emptied. A high-capacity chip body mounted to a hook-lift frame will allow a single-axle hook-lift salt truck to be used by the Forestry Division when not required for snow and ice control, increasing the utilization of the truck, while also increasing the efficiency of the Forestry operation.

The Department of Public Services currently has two remaining chassis-mounted V-body salt and plow trucks that are used only in the winter months. Supervisory staff would like to reconfigure one of these trucks with a hook-lift system to allow the Forestry Division to utilize the truck as described above. The proposed plan is to retrofit existing City unit 376, a 2010 International with a chassis mounted V-body spreader, with a hook-lift system identical to the two new trucks purchased last fiscal year.



Jon Lynch  
December 3, 2014  
Page 2

The hook-lift system and installation was bid out in June of 2013 through a joint bid with the City of Rochester Hills as follows:

On June 26, 2013, the City of Rochester Hills issued RFP-RH-13-030, a Request for Proposal (RFP) for Single and Tandem Axle Dump Trucks, Parts, and Related Equipment on behalf of the City of Auburn Hills, City of Farmington Hills, City of Madison Heights, City of Midland, City of Rochester Hills, City of St. Clair Shores, City of Troy, and City of Warren. Proposals were opened and publicly read on July 23, 2013, and the low bid meeting the terms of the RFP for purchase and installation of the hook-lift equipment needed to reconfigure City unit 376 was submitted by Truck and Trailer Specialties of Dutton, MI. Pricing through this joint bid is lower than could be expected if the City issued its own specifications, and if certain quantities of trucks are purchased, the equipment vendor will rebate an additional 2% to the City. Pricing is held at the same level for 3 years.

The cost to retrofit the City's existing chassis from unit 376, based on the Rochester Hills RFP, is \$53,795.00. The RFP from Rochester Hills did not include a chip box body for the hook-lift, so the City issued quote # 1793 on November 6, 2014, and pricing came in as follows for the chip body:

<i><b>Vendor</b></i>	<i><b>Price</b></i>
NBC Truck Equipment - Roseville, MI	\$8,190.00
BTS Equipment - Romeo, MI	\$9,000.00
Knapheide Truck Equipment - Flint, MI	\$9,806.10

Funding is available in the FY 2014-15 Equipment Revolving Fund Capital Outlay account to cover the cost of the retrofit and the chip box body based on savings from another capital item. On November 10, 2014, City Council approved the refurbishment of a salt/plow truck, City unit 366, in lieu of replacing it with a new unit, which yielded a significant cost savings that staff is recommending to be used for the retrofitting of unit 376.

We therefore recommend that the City Purchasing Agent be authorized to issue purchase orders to Truck and Trailer Specialties of Dutton, MI in the amount of \$53,795.00 for retrofit of City unit 376 with a hook-lift system and related controls, and to NBC Truck Equipment of Roseville, MI in the amount of \$8,190.00 for the purchase of a forestry chip box body.

Due to the increasingly complex nature of assembling custom built equipment with components from different manufacturers, we recommend that the City Manager be authorized to approve changes to the purchase orders up to 5% of the total cost to cover any unforeseen modifications that may come up during the build process.

Respectfully Submitted,

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Karen Murphy, Director of Public Services

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Mike Meyer, Purchasing Agent



City Unit 376 – plow truck with a chassis-mounted V-body salt spreader unit. This truck is currently only used in the winter for snow/ice control. When retrofitted with a hook-lift, the truck will be used for snow/ice control in the winter and as a forestry chip truck the balance of the year.



Example of the hook-lift system. Here the truck is preparing to offload a V-body salt spreader unit. The unit is lifted off the truck and sets on the ground until needed again, at which time the hook-lift grabs onto it and sets it back onto the truck.



Department of Public Services ♦ 4811 North Saginaw Road ♦ Midland, Michigan 48640 ♦ 989.837.6900 ♦ 989.835.5651 Fax ♦ [www.midland-mi.org](http://www.midland-mi.org)

BY COUNCILMAN

WHEREAS, competitive bids for trucks and equipment installation, including hook-lift systems, were solicited by the City of Rochester Hills, Michigan on behalf of the City of Midland; and

WHEREAS, the net low bid meeting specifications for the hook-lift system with installation was offered by Truck and Trailer Specialties of Dutton, MI; and

WHEREAS, sealed proposals were advertised and received in accordance with Article II of Chapter 2 of the Midland Code of Ordinances for the purchase of a forestry chip box body, Quote No.1793; and

WHEREAS, the low bid meeting specifications was offered by NBC Truck Equipment of Roseville, MI; and

WHEREAS, sufficient funding exists in the FY 2014-15 Equipment Revolving Fund budget for Capital Outlay – Vehicles to retrofit City unit 376 with a hook-lift system that can utilize the forestry chip box body; now therefore

RESOLVED, that the Purchasing Agent is authorized to issue purchase orders to Truck and Trailer Specialties of Dutton, MI in the amount of \$53,795.00 for the supply and installation of a hook-lift system on City unit 376, and to NBC Truck Equipment of Roseville, MI in the amount of \$8,190.00 for the purchase of a forestry chip box body; and

RESOLVED FURTHER, that the City Manager be authorized to approve changes to the purchase orders up to 5% of the total cost.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, December 8, 2014.

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Selina Tisdale, City Clerk